

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)

vs.
CARLOS JAVIER FIGUEROA, Rochester, New York
Defendant. June 3, 2021
8:30 a.m.
- - - - -X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.
United States Attorney
BY: ROBERT A. MARANGOLA, ESQ.
CASSIE M. KOCHER, ESQ.
Assistant United States Attorneys
500 Federal Building
Rochester, New York 14614
Appearing on behalf of the United States

PAUL J. VACCA, JR., ESQ.
One East Main Street, Suite 1000
Rochester, New York 14614
Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter
James Hontoria, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)
Christimacri50@gmail.com
Kenneth B. Keating Federal Building
100 State Street, Room 2640
Rochester, New York 14614

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS FOR THE GOVERNMENT

Robert Figueroa
Direct examination by Mr. Marangola

Page 3

P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present).

THE COURT: Good morning.

MR. MARANGOLA: Good morning, Your Honor.

MR. VACCA: Good morning, Judge.

THE COURT: Ready to proceed?

MR. MARANGOLA: Yes.

THE COURT: All set?

MR. VACCA: Ready to go.

THE COURT: Bring the jury out.

(WHEREUPON, the jury is present).

THE COURT: Good morning, members of the jury.

Ready to proceed.

MR. MARANGOLA: Yes, Your Honor.

THE COURT: You may continue.

MR. MARANGOLA: Thank you.

BY MR. MARANGOLA:

Q. Mr. Figueroa, I'm going to remind you that you are still under oath. Do you understand that?

A. Yes.

Q. All right.

MR. MARANGOLA: Judge, I just wanted to mention each of the Spanish calls we played yesterday for the jury did -- the transcripts did have the initials of the interpreter on

1 them, BSA, as she had previously testified to.

2 **THE COURT:** Thank you.

3 **BY MR. MARANGOLA:**

4 Q. Mr. Figueroa, if you can open your book and we can move
09:13:45AM 5 on, continue from where we were yesterday to tab 1-16. Let me
6 know when you're at the transcript behind tab 1-16.

7 A. I'm on it.

8 Q. All right. Are your initials on that transcript?

9 A. Yes.

09:14:25AM 10 Q. Did you review the call -- listen to the call that
11 corresponded to that transcript?

12 A. Yes.

13 Q. Okay. And this transcript is a transcript of a call -- an
14 outgoing call on January 9th, 2018; is that correct?

09:14:38AM 15 A. Yes.

16 Q. And let's put up if we can Government's Exhibit 10, which
17 is in evidence. All right. You recognize the voices in this
18 call here behind the tab 1-16, Mr. Figueroa?

19 A. Yes.

09:14:55AM 20 Q. And who are the participants in this call?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** That's me and my brother Javi.

24 **MR. MARANGOLA:** At this time, Your Honor, I'd offer
09:15:05AM 25 the call behind tab 1-16.

1 **MR. VACCA:** Objection, Your Honor, relevancy and
2 foundation.

3 **THE COURT:** Overruled. Exhibit 1-16 will be
4 received.

09:15:14AM 5 (**WHEREUPON**, Government's Exhibit 1-16 was received
6 into evidence).

7 **BY MR. MARANGOLA:**

8 Q. Before we play it, Mr. Figueroa, yesterday do you recall
9 you discussing which numbers were your personal number and
09:15:26AM 10 Javi's personal number?

11 A. Yes.

12 Q. And which were your *maraca* at this time and which was
13 Javi's *maraca* as well?

14 A. Yes.

09:15:35AM 15 Q. And are the numbers here on this transcript those -- are
16 those your personal numbers or are those your *maracas*?

17 A. The *maraca* numbers.

18 Q. All right. So we're clear on Government's Exhibit 10, the
19 number for you in this call, is that the number that's listed
09:15:53AM 20 next to your name, the second portion -- the second time your
21 name appears in this chart 485-9741, do you see that on
22 Government's Exhibit 10 on your screen? 485-9741 next to your
23 name?

24 A. Yes.

09:16:32AM 25 Q. All right. And that was one of your *maracas*?

1 A. Yes.

2 Q. And then do you see the number 662-8156 that you indicated
3 was Javi's *maraca*?

4 A. Yes.

09:16:44AM 5 Q. And that's up at the -- that's the second line from the
6 top of the chart; is that right? In red?

7 A. Yes.

8 Q. Okay. All right. If we can play this call corresponding
9 to tab 1-16. Mr. Figueroa, in the beginning of the call when
09:18:26AM 10 you tell Javi the black guy called me, who are you referring
11 to?

12 A. To Orlando Yelder.

13 Q. And when Javi tells you no, I won't be able to see the
14 brother today, what did you understand him to be telling you?

09:18:45AM 15 A. That he not gonna see Yelder's brother.

16 Q. And that was -- what was the purpose of seeing Yelder's
17 brother that day?

18 A. I was -- I talked to Yelder and we suppose to sell him a
19 kilo, Yelder's brother.

09:18:58AM 20 Q. Yelder's brother was looking for a kilo?

21 A. Yes.

22 Q. All right. When you said to your brother it will only --
23 it will only be for him then, then you said I'll tell that to
24 him, and Javi said him and who knows, can you tell us what you

09:19:15AM 25 meant when you said it will only be for him then, I'll tell

1 that to him?

2 A. Yeah, we was gonna serve only Yelder and my brother say
3 maybe Yelder.

4 Q. Okay. And when your brother said I'll let you know later
09:19:31AM 5 because I set one aside, what did you understand him to be
6 referring to when he said I set one aside?

7 A. That he got a kilo on the side, he only got one to the
8 side.

9 Q. And when he said because one left now, just now, what did
09:19:50AM 10 you understand him to be indicating?

11 A. He just sold a kilo.

12 **MR. MARANGOLA:** Judge, if I could publish a portion
13 of Government's 693?

14 **THE COURT:** Yes.

09:20:03AM 15 **MR. MARANGOLA:** Thank you.

16 **BY MR. MARANGOLA:**

17 Q. Mr. Figueroa, the transcript for the call that we just
18 heard in which the defendant said one just left now is dated
19 what day?

09:20:26AM 20 A. 11:17 a.m.

21 Q. Not the time. What's the date?

22 A. 1/9.

23 Q. January 9th, 2018?

24 A. Yes.

09:20:40AM 25 Q. Do you see what's indicated on this page of the ledger

1 Government's Exhibit 693 next to 1/9?

2 A. Yes.

3 Q. And is there a nickname there?

4 A. Yes.

09:20:53AM 5 Q. What's the nickname?

6 A. *Nene*.

7 Q. And who does that refer to?

8 A. Obed.

9 Q. And is there a price that says 30,000 minus 30,000
09:21:03AM 10 equals -- there's a zero with a slash through it?

11 A. Yes.

12 Q. And then *pago*, which you testified I believe means what?

13 A. Paid.

14 Q. Paid?

09:21:13AM 15 A. Paid all, yes.

16 Q. How much were kilos being sold for in January of 2018 by
17 your brother?

18 A. For \$30,000.

19 Q. We're gonna skip tabs 1-18, 19 and -- I'm sorry, 17, 18
09:21:44AM 20 and 19 and we'll go to 1-20. I'd like you to flip to tab
21 1-20, Mr. Figueroa. Let me know when you're at the transcript
22 behind tab 1-20.

23 A. I'm at 1-20.

24 Q. Pardon?

09:22:05AM 25 A. I'm at 1-20.

1 Q. All right. Are your initials on that transcript?

2 A. Yes.

3 Q. And did you listen to the call corresponding to that
4 transcript?

09:22:13AM 5 A. Yes.

6 Q. And who are the participants in this call?

7 A. Me and Yelder.

8 **MR. MARANGOLA:** Judge, I believe this call has
9 previously been received. It's 1-20.

09:22:26AM 10 **THE COURT:** Yes, it was previously received.

11 **MR. MARANGOLA:** I'd like to play this call with
12 Mr. Figueroa, please.

13 **BY MR. MARANGOLA:**

14 Q. Mr. Figueroa, on the first page of this transcript it
09:24:49AM 15 indicates that you told Orlando Yelder -- I'm sorry, that
16 Yelder told you I got 100 real quick of those things, those
17 blue things you gave me the other day, what did you understand
18 Yelder to be referring to when he was talking about that?

19 A. He was referring to Percocets.

09:25:06AM 20 Q. Percocet pills?

21 A. Yes.

22 Q. Had you given him some Percocet pills before this call?

23 A. Yes.

24 Q. All right. Now, the time of this call is 8:08 p.m.; is
09:25:18AM 25 that right?

1 A. Yes.

2 Q. And at the end of this call what are you telling
3 Roberto (sic) Figueroa when you say I'll call him right now?

4 A. Can you repeat that question?

09:25:31AM 5 Q. Yeah. At the end of this call on page 2 you tell Roberto
6 -- I'm sorry, you tell Mr. Yelder do what you do, you hear me,
7 bro, go over there and do your thing and I'll see -- I'll call
8 him right now. What are you telling Yelder?

9 A. Get his money ready, I'm gonna talk to my brother.

09:25:50AM 10 Q. About what?

11 A. About serving Yelder.

12 Q. What did you do after this call, do you remember?

13 A. I probably call my brother, but I don't remember.

14 Q. All right. Let's go to the next tab 1-21. Are your
09:26:10AM 15 initials on the transcript?

16 A. Yes.

17 Q. And did you listen to the call corresponding to this
18 transcript?

19 A. Yes.

09:26:20AM 20 Q. And who are the participants in this call?

21 A. Me and my brother Javi.

22 **MR. MARANGOLA:** At this time, Your Honor, I would
23 offer the call corresponding to tab 1-21.

24 **MR. VACCA:** I object to that, Your Honor, on grounds
09:26:39AM 25 of relevancy and foundation.

1 **THE COURT:** Thank you. Overruled. Exhibit 1-21
2 will be received.

3 (**WHEREUPON**, Government's Exhibit 1-21 was received
4 into evidence).

09:26:50AM 5 **BY MR. MARANGOLA:**

6 Q. Mr. Figueroa, the previous call we just heard with Mr.
7 Yelder and you, that was using your personal phone, the 0005;
8 is that right?

9 A. Yes.

09:27:13AM 10 Q. All right. And this call, the transcript at tab 1-21 --
11 first of all, how many minutes after the previous call is this
12 one, the call at 1-21, which is at 8:11 p.m.?

13 A. Two or three minutes later.

14 Q. Two or three minutes later?

09:27:37AM 15 A. Yes.

16 Q. All right. And the transcript behind 1-21 reflects an
17 outgoing call from what number to what number?

18 A. To my *maraca*.

19 Q. From your *maraca* to whose *maraca*?

09:27:51AM 20 A. To my brother Javi's *maraca*.

21 Q. So three minutes later you used a different phone to call
22 your brother?

23 A. Yes.

24 Q. Why? Why did you use your *maraca* to call your brother
09:28:07AM 25 after using your personal phone to talk to Yelder three

1 minutes earlier?

2 A. Because I talk to my brother and the group only talk drug
3 business on the *maraca*.

4 Q. And then if we could -- for the record, the initials BSA
09:28:21AM 5 are on the bottom of this transcript as well, Mr. Figueroa?

6 A. Yes.

7 **MR. MARANGOLA:** Your Honor, at this time I'd like to
8 publish -- play the call behind tab -- corresponding to tab
9 1-21.

09:28:38AM 10 **BY MR. MARANGOLA:**

11 Q. Mr. Figueroa, when you told your brother I just finished
12 talking to him right now, he called me, you heard, who are you
13 referring to?

14 A. Orlando Yelder.

09:29:37AM 15 Q. Why are you calling Javi and telling him that Orlando
16 Yelder had just called you? Why are you telling your brother
17 that?

18 A. Because he was gonna serve Orlando Yelder brother a kilo,
19 and I was telling my brother to serve Orlando the half a kilo
09:29:58AM 20 and I got to tell my brother he's gonna be ready.

21 Q. You have to what?

22 A. I got to tell my brother that Orlando gonna be ready for
23 me and my brother to go see him.

24 Q. When you say he's coming back for us to see him, who is
09:30:10AM 25 the us that you're referring to?

1 A. Me and my brother Javi.

2 Q. When you say to see him, what are you indicating?

3 A. We gonna sell him half a kilo of cocaine.

4 Q. All right. If we could go to the next call 1-22.

09:30:34AM 5 Mr. Figueroa, this is a call -- well, first let me ask you:

6 Are your initials on this transcript?

7 A. Yes.

8 Q. And this is a call from the next day January 10th; is that
9 right?

09:30:45AM 10 A. Yes.

11 Q. Did you listen to the recording of the call that
12 corresponds to this transcript?

13 A. Yes.

14 Q. And who are the participants in this call?

09:30:54AM 15 A. Me and Orlando Yelder.

16 Q. All right.

17 **MR. MARANGOLA:** And I believe this was previously
18 received 1-22.

19 **THE COURT:** Yes, it was previously received.

09:31:01AM 20 **BY MR. MARANGOLA:**

21 Q. I'd like to play this call for Mr. Figueroa.

22 Mr. Figueroa, in the beginning of this call when you told
23 Yelder make sure you bring your brother, you hear me, because
24 that's all I got, what were you telling Orlando Yelder?

09:34:59AM 25 A. The money, bring the money.

1 Q. All right. When you said that's all I got, what were you
2 referring to?

3 A. That we just got one kilo.

4 Q. How did you know you only had one kilo?

09:35:15AM 5 A. From my brother Javi.

6 Q. Now, when Yelder then said just bring that for me, and
7 then you said what do you mean, hold up, but you asked me -- I
8 asked for one for your brother, can you explain your
9 understanding of what Yelder was telling you there?

09:35:36AM 10 A. I was supposed to bring a kilo for Yelder's brother and
11 Yelder want me to give him a half a kilo, but we was talking --
12 at the time we was talking about serving his brother a whole
13 kilo.

14 Q. Then when Yelder said how I usually get, what did you
09:35:52AM 15 understand the transaction to now be instead of the kilo for
16 Yelder's brother? How much did you understand Yelder to be
17 asking you for now?

18 A. For half a kilo.

19 Q. All right. Then later on you said that's all we got, we
09:36:08AM 20 got one, and what were you referring to?

21 A. We only got one kilo left.

22 Q. When Yelder said I don't want to take a whole one of them
23 shits, I was just gonna take half of that, what did you
24 understand him to be referring to?

09:36:21AM 25 A. That he don't want a whole kilo, he want half a kilo.

1 Q. At the end when Yelder said tell him if that's the last
2 one he got to get rid of, then tell him to get rid of it, I'll
3 just wait for the next -- the next go buy, you know what I'm
4 saying, tell us what you understood Yelder to mean when he
09:36:43AM 5 said that.

6 A. He said to tell my brother Javi if he only got one kilo
7 left to sell it and he wait for the next shipment from
8 Puerto Rico to arrive.

9 Q. Let's -- again, this call was from your personal phone the
09:36:56AM 10 0005?

11 A. Yes.

12 Q. Let's go to the next tab 1-23. Are your initials on this
13 transcript?

14 A. Yes.

09:37:13AM 15 Q. And did you listen to the call corresponding to this
16 transcript?

17 A. Yes.

18 Q. And who are the speakers in this call?

19 A. Me and Orlando Yelder.

09:37:25AM 20 **MR. MARANGOLA:** And, again, I believe 1-23 was
21 previously received?

22 **THE COURT:** Yes, it was previously received.

23 **BY MR. MARANGOLA:**

24 Q. Mr. Figueroa, this call is the same day as January 10th as
09:37:36AM 25 the last call and it's approximately two hours later; is that

1 right? 10:39 a.m.?

2 A. Yes.

3 Q. All right. If we could play this call? Mr. Figueroa, when
4 you said on the first page of the transcript -- it says you
09:40:00AM 5 said grab it, grab it what you got, you hear me, for him, what
6 were you telling Yelder to get?

7 A. Get all his money, get all his money together.

8 Q. All his money together for what?

9 A. To buy half a key.

09:40:19AM 10 Q. All right. And when you said on the top of the second page
11 I'm gonna break it down to him and tell him what's going on,
12 what were you referring to?

13 A. That I'm gonna explain to him that his brother don't want
14 it, that we gonna serve Yelder.

09:40:36AM 15 Q. You're going to explain to who?

16 A. To my brother Javi.

17 Q. And then you said later on I'm gonna let you know, you see
18 what I'm saying, in case he be like, you know what, so give
19 him the half and fuck it, what were you telling Yelder there?

09:40:52AM 20 A. That I'm gonna explain to my brother Javi what we was
21 talking about earlier about his brother not wanting the kilo,
22 so we can give the half kilo to Yelder.

23 Q. All right. And then you say I want to speak to him see
24 what he gonna tell me, what did you mean by see what he gonna
09:41:12AM 25 tell me?

1 A. To see what my brother gonna tell me, if he gonna say yes
2 or no.

3 Q. If your bother's going to say yes or no?

4 A. Yes.

09:41:18AM 5 Q. Because he's the one that's making that decision?

6 A. Yes.

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** Overruled.

9 **BY MR. MARANGOLA:**

09:41:24AM 10 Q. All right. If we could flip to the next tab 1-24? Your
11 initials are on this transcript, Mr. Figueroa?

12 A. Yes.

13 **MR. MARANGOLA:** And this was previously received, I
14 believe, 1-24.

09:41:47AM 15 **THE COURT:** Yes, it was previously received.

16 **MR. MARANGOLA:** As well as 1-25.

17 **THE COURT:** Yes, that was received.

18 **BY MR. MARANGOLA:**

19 Q. Mr. Figueroa, are your initials on the transcript behind
09:41:57AM 20 1-25 as well?

21 A. Yes.

22 Q. All right. If we could play the call, first 1-24? This
23 call is at 3:13 on that same day January 10th; is that right?

24 A. Yes.

09:42:28AM 25 Q. Let's go to the next call 1-25, which is almost 30 minutes

1 later on that same day. If we could play the call
2 corresponding to 1-25? All right, Mr. Figueroa, when you said
3 to -- when Mr. Yelder said if he wants to get rid of that
4 whole thing -- Yelder said he would wait for the other package
09:45:42AM 5 to come in, and then later on he said he would just hold off
6 for a little -- for a couple days until the other one come,
7 what did you understand Yelder to be referring to?

8 A. He's referring -- because I told him that we only got one
9 kilo left, if my brother is gonna get rid of it, then my
09:45:58AM 10 brother get rid of it and he wait for the next shipment from
11 Puerto Rico to come so he can --

12 Q. When you say get rid of it, are you talking about throwing
13 it in the garbage?

14 A. No. To sell it.

09:46:07AM 15 Q. Okay. How did -- how did -- had you ever discussed with
16 Yelder how or where the kilos of cocaine that you were serving
17 him came from?

18 A. I think I did, but I'm not sure.

19 Q. All right. In other words, do you know how Yelder knew
09:46:31AM 20 that when he's referring to another package coming in, do you
21 know how Yelder knew that?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled. You can answer that.

24 **THE WITNESS:** I was having conversation -- I be
09:46:42AM 25 having conversation with him.

1 **BY MR. MARANGOLA:**

2 Q. You were having conversations with him?

3 A. Yes.

4 Q. All right. When Yelder said if he don't want to do

09:46:51AM 5 business with nobody, son, tell him he got to go off his first

6 gut instinct especially when it comes to this game -- when

7 Yelder used those terms, do business and this game, what did

8 you understand him to be referring to?

9 **MR. VACCA:** Objection, Your Honor.

09:47:06AM 10 **THE COURT:** Overruled.

11 **THE WITNESS:** Selling drugs.

12 **BY MR. MARANGOLA:**

13 Q. And your response was, oh, I know, he's like that, no, he

14 don't -- you hear me, he like that, bro, believe me, he said

09:47:22AM 15 no, it's no. What did you mean when you said he said no, it's

16 no?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **THE WITNESS:** That's how my bother is. If my

09:47:32AM 20 brother say -- he's the leader of the group, if he say

21 something goes, something goes. If he think something wrong,

22 he's not gonna do it.

23 **BY MR. MARANGOLA:**

24 Q. All right. Let's go to the next tab 1-26.

09:48:01AM 25 **MR. MARANGOLA:** Your Honor, this is a missed call

1 that Investigator Briganti testified regarding the --
2 testified to. I would offer the call corresponding to 1-26,
3 the data.

4 **MR. VACCA:** Objection, Your Honor.

09:48:15AM 5 **THE COURT:** Overruled. 1-26 will be received.

6 (WHEREUPON, Government's Exhibit 1-26 was received
7 into evidence).

8 **BY MR. MARANGOLA:**

9 Q. Mr. Figueroa, do you see this behind tab 1-26 reflects an
09:48:25AM 10 incoming call from Javi's *maraca* to your *maraca*; is that
11 correct?

12 A. Yes.

13 Q. And that's at 3:15 p.m.; is that right?

14 A. Yes.

09:48:38AM 15 Q. Now, in this call did you set up voicemail on your
16 *maracas*?

17 A. No.

18 Q. Did you ever leave voice messages for each other on your
19 *maracas*?

09:48:53AM 20 A. No.

21 Q. All right. So let's flip to the next tab 1-27. Are your
22 initials on this transcript?

23 A. Yes.

24 Q. Did you listen to the call corresponding to this
09:49:11AM 25 transcript?

1 A. Yes.

2 Q. And who are the participants in this call?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** Overruled.

09:49:19AM 5 **THE WITNESS:** Me and my brother Javi.

6 **MR. MARANGOLA:** At this time I'd offer the call
7 corresponding to tab 1-27.

8 **MR. VACCA:** Objection, Your Honor, grounds of
9 foundation and relevancy.

09:49:28AM 10 **THE COURT:** Overruled. 1-27 will be received.

11 (WHEREUPON, Government's Exhibit 1-27 was received
12 into evidence).

13 **BY MR. MARANGOLA:**

14 Q. Before we play this call, Mr. Figueroa, this call behind
09:49:38AM 15 1-27 that's approximately a minute after the missed call from
16 your brother's *maraca* to your *maraca*; is that correct?

17 A. Yes.

18 Q. And this call here that's a minute later is from Javi's
19 personal phone, the 8057, to your personal phone; is that
09:50:02AM 20 right?

21 A. Yes.

22 Q. If we can play this call. Mr. Figueroa, the initials BSA
23 are also on this transcript; is that correct?

24 A. Yes.

09:50:49AM 25 Q. All right. Do you recall -- when you said to your brother

1 Javi in response to his question where are you, you said at
2 your house, where are you referring to?

3 A. 6 Burbank.

4 Q. All right. And what did your -- can you tell us why were
09:51:06AM 5 at Javi's house without him being present?

6 A. I don't know. I don't remember why I was in the house.

7 Q. I'm sorry, I didn't hear you.

8 A. I don't know why I was in his house.

9 Q. You don't know why you were there?

09:51:25AM 10 A. No.

11 Q. Okay. In this call what did -- what's Javi telling you to
12 do?

13 A. To wait for him and start calling Yelder.

14 Q. When he says wait for me, he's telling you to -- is he
09:51:42AM 15 telling you to wait at a specific place?

16 A. At his house.

17 Q. All right. He's telling you to wait at his house. And
18 then what's the second thing he's telling you?

19 A. To start calling Yelder.

09:51:53AM 20 Q. And that's what you understood him to mean when he said
21 start calling your buddy?

22 A. Yes.

23 Q. What did you understand Javi to be telling you as the
24 reason he's directing you to start calling Yelder?

09:52:06AM 25 **MR. VACCA:** Objection, Your Honor.

1 **THE COURT:** Sustained.

2 **BY MR. MARANGOLA:**

3 Q. What did it mean to you that Javi told you to start
4 calling your buddy?

09:52:18AM 5 **MR. VACCA:** Objection, Your Honor.

6 **THE COURT:** Overruled.

7 **THE WITNESS:** We gonna serve Yelder the half a key.

8 **BY MR. MARANGOLA:**

9 Q. And after this call what did you do based on what Javi
09:52:28AM 10 told you to do?

11 A. We went to meet Yelder.

12 Q. All right. Did you -- he told you in this call to wait
13 for him and to start calling your buddy?

14 **MR. VACCA:** Objection, Your Honor.

09:52:38AM 15 **THE WITNESS:** Yes.

16 **THE COURT:** Overruled. The answer will stand.

17 **BY MR. MARANGOLA:**

18 Q. All right. And this call was at 3:16 p.m.; is that right?

19 A. Yes.

09:52:47AM 20 Q. And, again, that's from Javi's personal number to your
21 personal number?

22 A. Yes.

23 Q. If you can flip to the next tab 1-28.

24 **MR. MARANGOLA:** This is a missed call for which the
09:53:02AM 25 data has been testified to from Investigator Briganti, Your

1 Honor, so I would offer the data behind tab 1-28.

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** This was previously received.

4 Overruled.

09:53:14AM 5 **BY MR. MARANGOLA:**

6 Q. Mr. Figueroa, the missed call behind tab 1-28 that's at
7 3:17:15 p.m.; is that correct?

8 A. Yes.

9 Q. That's less than a minute after the call we just heard
09:53:30AM 10 where Javi said start calling your buddy?

11 A. Yes.

12 Q. And what phone number did you call Yelder from?

13 A. The *maraca*.

14 Q. Less than a minute after talking to Javi?

09:53:43AM 15 A. The *maraca*.

16 Q. All right. And we can flip to the next tab 1-29. Are your
17 initials on this transcript?

18 A. Yes.

19 Q. And did you listen to the call corresponding to this
09:54:02AM 20 transcript?

21 A. Yes.

22 Q. And who are the participants in this call?

23 A. Me and Yelder.

24 **MR. MARANGOLA:** I believe this was previously
09:54:12AM 25 received 1-29.

1 **THE COURT:** Yes, 1-29 was previously received.

2 **BY MR. MARANGOLA:**

3 Q. Mr. Figueroa, this call again is about a minute after the
4 last missed call that you made -- the last attempt to call
09:54:26AM 5 Yelder from your *maraca*; is that right?

6 A. Yes.

7 Q. Now, which number are you using to call Yelder in this
8 call at 3:18:34 p.m. behind tab 1-29?

9 A. My personal number.

09:54:43AM 10 Q. Now, why did you use your personal a minute after trying
11 to get ahold of Yelder from your *maraca*?

12 A. Because he wasn't answering the phone.

13 Q. All right. If we can play this call. Mr. Figueroa, where
14 are you in this call?

09:56:04AM 15 A. At my brother Javi's house.

16 Q. All right. When Yelder told you he would meet with you at
17 4 o'clock, what did you understand the purpose of that meeting
18 to be?

19 A. We was gonna sell him half a key.

09:56:17AM 20 Q. When you told Yelder he just -- he just -- he just told me
21 to call you, what was that in reference to?

22 A. My brother Javi.

23 Q. Is that the call we just heard two minutes earlier where
24 your brother said start calling your buddy?

09:56:33AM 25 A. Yes.

1 Q. And when you said to Yelder we ready, you hear, and then
2 later we gonna be right there, who are you referring to?

3 A. My brother Javi.

4 Q. Were you planning to meet Yelder later that day with your
09:56:48AM 5 brother Javi?

6 A. Yes.

7 Q. All right. If we could go to the next tab 1-30. Are your
8 initials on this transcript?

9 A. Yes.

09:57:04AM 10 Q. And did you listen to the call corresponding to this
11 transcript?

12 A. Yes.

13 Q. And who are the participants in this call?

14 A. Me and my brother Javi.

09:57:14AM 15 Q. This call is that same day now approximately nine minutes
16 later than the call we just previously heard with you and
17 Yelder at -- this is at 3:27 p.m.; is that correct?

18 A. Yes.

19 **MR. MARANGOLA:** At this time I'd offer the call
09:57:30AM 20 corresponding to tab 1-30.

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled. Exhibit 1-30 will be
23 received.

24 (**WHEREUPON**, Government's Exhibit 1-30 was received
09:57:44AM 25 into evidence).

1 **BY MR. MARANGOLA:**

2 Q. Now, Mr. Figueroa, this is an outgoing call. From which
3 phone are you using on this call?

4 A. The *maraca*.

09:57:56AM 5 Q. And whose *maraca* are you calling?

6 A. My brother Javi.

7 Q. And if -- again where are you during this call?

8 A. At my brother Javi's house, 6 Burbank.

9 Q. If we could play this call. Mr. Figueroa, first of all,
09:58:45AM 10 who are you talking to in the beginning of that call?

11 A. I was talking to my nephew.

12 Q. What's his name?

13 A. Cartier.

14 Q. And that's whose son?

09:58:52AM 15 A. That's my brother Javi's son.

16 Q. When you told Javi it's at 4 o'clock, what was going to be
17 at 4 o'clock?

18 A. We was gonna sell the drugs to Yelder at 4 o'clock.

19 Q. How did you know that it was gonna be at 4 o'clock?

09:59:08AM 20 A. Because Yelder told me.

21 Q. All right.

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled.

24 **BY MR. MARANGOLA:**

09:59:15AM 25 Q. If we could now play from the pole camera compilation

1 Exhibit -- Government's Exhibit 22, the camera footage from
2 this day January 11 at 3:28 p.m., approximately a minute --
3 less than a minute after this call.

4 Mr. Figueroa, do you see on your screen?

09:59:43AM 5 A. Yes.

6 Q. Do you recognize the area shown in this pole camera
7 footage?

8 A. Yes.

9 Q. And this is what street?

09:59:49AM 10 A. This is Burbank Street.

11 Q. The house on the left, far left of the image is whose
12 house?

13 A. That's my brother Javi's house.

14 Q. Do you see a car pulling into the driveway at 6 Burbank?

10:00:01AM 15 A. Yes.

16 Q. Do you recognize that car?

17 A. Yes.

18 Q. What car do you recognize that to be?

19 A. That's my brother's Mercedes.

10:00:10AM 20 Q. All right. Is that a black Mercedes SUV?

21 A. Yes.

22 Q. All right. If we could play. Where did that Mercedes go?

23 A. 6 Burbank.

24 Q. It pulled into the driveway?

10:00:31AM 25 A. Yes.

1 Q. All right. If we can flip to the next call tab 1-31. I'm
2 going to ask you to look at that call as well as 1-32 and
3 1-33. Are your initials on each of those transcripts?

4 A. Yes.

10:01:18AM 5 Q. Did you listen to the calls corresponding to each of those
6 transcripts?

7 A. Yes.

8 Q. And the first two calls 1-32 and 1-33, who are the
9 speakers in those calls? In 1- -- I'm sorry, 1- -- did I skip
10:01:37AM 10 ahead? 1-31, 1-32, in those two tabs 1-31 and 1-32, who are
11 the speakers?

12 A. It's me and Orlando Yelder.

13 Q. How about in the call behind tab 1-33?

14 A. That's me, Orlando and Leitscha.

10:02:02AM 15 Q. All right.

16 **MR. MARANGOLA:** I believe, Your Honor, 1-31 and
17 1-32 were previously received.

18 **THE COURT:** Yes, 1-33 as well was previously
19 received.

10:02:16AM 20 **MR. MARANGOLA:** 1-33 as well? All right, thank you.

21 **THE COURT:** Yes.

22 **BY MR. MARANGOLA:**

23 Q. Mr. Figueroa, I'd like to play the call corresponding to
24 tab 1-31. If we can go to the next call and play the next
10:02:59AM 25 call 1 -32. This is that same day -- this is at 4:38 p.m.; is

1 that correct?

2 A. Yes.

3 Q. Go to the next call at 1-33 -- before we play that call,
4 Mr. Figueroa, these calls we're playing right now, these are
10:04:05AM 5 in anticipation of what happening?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. He can answer that.

8 **THE WITNESS:** Me and my brother go meet Yelder.

9 **BY MR. MARANGOLA:**

10:04:21AM 10 Q. All right. If we could play the call behind 1-33. This is
11 at 5:24 p.m. that same day January 11th, correct?

12 A. Yes.

13 Q. All right. And if we could play from Government's Exhibit
14 22, the pole camera compilation on this same date January
10:05:11AM 15 11th, the clip from -- at 5:46 p.m. at Burbank.

16 Again, we're showing the area at your brother's
17 house at 6 Burbank; is that right?

18 A. Yes.

19 Q. And this clip is approximately 20 minutes after the call
10:05:36AM 20 that we just heard; is that right?

21 A. Yes.

22 Q. Can you tell us what you see happening in this clip?

23 A. We pulling out the driveway.

24 Q. When you say we pulling out of the driveway, who is
10:05:50AM 25 pulling out of the driveway?

1 A. My brother and me.

2 Q. And what vehicle are you pulling out of the driveway in?

3 A. My brother's Mercedes.

4 Q. And where are you going?

10:06:03AM 5 A. We gonna meet Yelder.

6 Q. Were you with anyone besides your brother when you were
7 going to meet Yelder that night?

8 A. If I was -- can you repeat the question, please?

9 Q. Yeah. Were you with anyone besides your brother when you
10:06:19AM 10 went to go meet Yelder that night January 11th?

11 A. I'm not sure.

12 Q. Okay. Where did you go meet Yelder that night after
13 leaving at approximately 5:24 on January 11th from your
14 brother Javi's house?

10:06:40AM 15 A. At the building where Leitscha's sister live.

16 Q. If we could show -- if we could show you Government's
17 Exhibit 24. You see what's shown in Government's Exhibit 24?

18 A. Yes.

19 Q. Is that the general area where you went with your brother
10:07:18AM 20 to meet Yelder on the evening of January 11th, 2018?

21 A. Yes.

22 Q. All right. If we could go to the next tab 1-34. Can you
23 tell us, Mr. Figueroa, are your initials on this transcript?

24 A. Yes.

10:07:42AM 25 Q. Did you listen to the call corresponding to this

1 transcript?

2 A. Yes.

3 Q. Did you recognize all of the voices in this recording?

4 A. Yes.

10:07:55AM 5 Q. And whose voices did you hear in this recording?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled.

8 **THE WITNESS:** My brother Javi, Obed, Orlando Yelder
9 and me.

10:08:11AM 10 **BY MR. MARANGOLA:**

11 Q. Is there anyone else's voice that you heard during the
12 recording?

13 A. Yes. Jashua.

14 Q. Who is Jashua?

10:08:17AM 15 A. That's my nephew.

16 Q. And is that spelled J-A-S-H-U-A?

17 A. Yes.

18 Q. Now, in this call -- was this a call that -- in which you
19 were on the telephone speaking to somebody else on the

10:08:30AM 20 telephone?

21 A. No.

22 Q. Where were you during this call?

23 A. We was inside my brother's Mercedes.

24 Q. When you say we, who do you recall was in your brother's

10:08:44AM 25 Mercedes at the time of the call reflected in the transcript

1 behind tab 1-34?

2 A. At the time of the call it was me, Yelder, my brother, and
3 Obed.

4 Q. All right. And there's portions of this call that were in
10:09:02AM 5 English -- or this recording portions are in English and
6 portions are in Spanish; is that right?

7 A. Yes.

8 Q. Can you tell us just generally what's happening at the
9 time you were in your brother's car during this call?

10:09:19AM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. Go ahead.

12 **THE WITNESS:** We arrive Leitscha sister's -- where
13 she live at in the apartments. Yelder arrive, Yelder got
14 inside the car, and I'm talking to -- I'm translating for my
10:09:32AM 15 brother Javi, tell him if he gonna serve him -- gonna sell him
16 half a key.

17 But my brother -- when I give him the eight 62s,
18 but he want to charge him 16,000. Yelder want it for cheaper.
19 So Yelder keep telling us -- telling me to tell my brother if
10:09:50AM 20 he can give it to him for like 15, like he buying -- like he
21 was buying a whole one because a whole one go for 30. So he
22 was trying to get it for cheaper.

23 And my brother told me that to tell him that he
24 only got for the stores -- I mean what he got, he only got
10:10:04AM 25 one, we only got one for the stores.

1 **BY MR. MARANGOLA:**

2 Q. All right. Now, why were you translating what Yelder
3 wanted in terms of a price to your brother?

4 A. Because he the one that make the decision. That's his
10:10:19AM 5 kilo.

6 **MR. MARANGOLA:** At this time, Your Honor, we had
7 previously offered just the bottom portion of this in the
8 background section in which Orlando Yelder, Roberto Figueroa
9 and the defendant spoke.

10:10:35AM 10 But based on the testimony of Mr. Figueroa, I'd ask
11 to receive the entirety of Government's 1-34 and be able to
12 publish that for the jury.

13 **MR. VACCA:** I would object to that, Your Honor.

14 **THE COURT:** Yes, it was previously received,
10:10:52AM 15 restricted conversation only, but it will be now received.
16 Objection is overruled.

17 **BY MR. MARANGOLA:**

18 Q. Mr. Figueroa, the initials BSA are on the bottom of this
19 transcript; is that correct?

10:11:03AM 20 A. Yes.

21 Q. Okay. If we could play this call, which is 1-34. I'm
22 sorry, before we do that, Mr. Figueroa, who is Jashua
23 Figueroa?

24 A. That's my brother Felix Figueroa son. That's my nephew.

10:11:32AM 25 Q. So he's your nephew?

1 A. Yes.

2 Q. What's his relationship to Javi?

3 A. That's his nephew.

4 Q. Okay. All right. Now, the phone call we're hearing, this

10:11:44AM 5 is an incoming call from 746-7281 to Javi's personal phone; is
6 that right?

7 A. Yes.

8 Q. Before we play the call I'd like to publish from

9 Government's 494A, which is the extraction from the

10:12:11AM 10 defendant's personal phone, the 8057. Go to contact No. 238.

11 Do you see the number in the transcript 746-7281 in
12 the contact that's on your screen next to contact 238?

13 A. Yes.

14 Q. And what's the name of that contact in your brother's

10:12:50AM 15 personal phone?

16 A. Jashua.

17 Q. No, can you read exactly what it says on your screen?

18 A. Read it in Spanish or translate?

19 Q. Yes. Read it in Spanish.

10:13:03AM 20 A. *Mi sobrino*.

21 Q. What else does it say?

22 A. *Mi sobrino* Jashua.

23 Q. And what is the translation of that in English?

24 A. My nephew Jashua.

10:13:14AM 25 Q. Okay. And if we could go to Exhibit 673A. And the

1 contacts -- do you see the contact for No. 69 that's in your
2 phone which is the -- this is the extraction for 0005, your
3 personal phone, Government's 673A.

4 Do you see the number that's on the transcript
10:14:26AM 5 746-7281?

6 A. Yes.

7 Q. And what did you have that contact in your personal phone
8 as? Can you read it off the screen?

9 A. Jashua.

10:14:39AM 10 Q. All right. So this would be then the 746-7281, that's
11 Jashua's personal cell phone then?

12 A. Yes.

13 Q. All right. Then if we could go back and play the call here
14 behind tab 1-34. Mr. Figueroa, in the bottom of the first
10:16:48AM 15 half -- bottom of the first page here where it says in the
16 background the portion of the call beginning -- or the
17 recording beginning if I get rid of this, that's a
18 conversation between who?

19 A. Me, Yelder and my brother.

10:17:06AM 20 Q. And that's taking place in your brother's car?

21 A. Yes.

22 Q. When -- after Yelder said the first things he said in here
23 where he wants -- he says give me the price of -- if I was to
24 buy the whole one in half, you then -- he said that in
10:17:24AM 25 English, correct?

1 A. Yes.

2 Q. Then you said -- which was translated for us on the
3 transcript if he goes through that right now, how much would
4 you give him the other one, you know, as if you were giving
10:17:35AM 5 him the price. First of all, who were you saying that in
6 Spanish to?

7 A. To my brother Javi.

8 Q. And when you said how much would you give him the other
9 one, what were you asking your brother?

10:17:47AM 10 A. How much he was gonna give him the other half key.

11 Q. All right. What was your brother's response to that?

12 A. He said he don't know because he got a little bit and they
13 only got -- they got to break it down in 62s.

14 Q. So when Yelder said if I was to get the whole one, get rid
10:18:10AM 15 of it right now for 30, how you give it to me for 30, what's
16 Yelder asking for?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **THE WITNESS:** If he will sell the whole kilo for 30,
10:18:25AM 20 if he will give him for less dollar, the half a key for 15.

21 **BY MR. MARANGOLA:**

22 Q. Yelder is asking for half a kilo for 15,000?

23 A. Yes.

24 Q. All right. And then later on -- so obviously you met
10:18:42AM 25 Yelder because he's in the car with you?

1 A. Yes.

2 Q. Do you recall whether or not you served Yelder any drugs
3 that evening in the car with you when he was in your brother's
4 Mercedes?

10:18:57AM 5 A. Yes.

6 Q. At the time of this?

7 A. Yes.

8 Q. Do you recall how much you served Yelder?

9 A. Eight 62s.

10:19:05AM 10 Q. Eight 62s of cocaine?

11 A. Yes.

12 Q. And do you recall how -- whether or not Yelder gave you
13 any money?

14 A. He probably did, but I don't remember.

10:19:21AM 15 Q. All right. Do you recall -- let me publish, if I could --

16 **THE COURT:** Let's take a break. Ladies and
17 gentlemen, at this time we'll take a recess. In the meantime,
18 do not discuss the matter or allow anybody to discuss the
19 matter with you. Jury may step down, we'll stand in recess.

10:19:38AM 20 (**WHEREUPON**, there was a pause in the proceeding).

21 (**WHEREUPON**, the defendant is present).

22 **THE COURT:** Bring the jury out.

23 (**WHEREUPON**, the jury is present).

24 **THE COURT:** You may proceed.

11:04:13AM 25 **MR. MARANGOLA:** Thank you, Your Honor.

1 **BY MR. MARANGOLA:**

2 Q. Mr. Figueroa, we had been discussing the meeting in Javi's
3 Mercedes that was overheard during the call behind tab 1-34.
4 Do you have that tab there still?

11:04:31AM 5 A. Yes.

6 Q. Okay. And I believe you testified that you served Yelder a
7 half a kilo at that meeting; is that right?

8 A. Yes.

9 Q. And I asked you if Yelder provided any money at the time
11:04:51AM 10 he was served with the half kilo. Do you know if Yelder
11 provided any money?

12 A. Yes.

13 Q. Do you know how much money?

14 A. Not -- I don't know how much money.

11:05:06AM 15 Q. You don't know how much money?

16 A. I don't know how much money.

17 Q. I'm going to place Government's Exhibit 693, if I may, on
18 the visualizer. Mr. Figueroa, the transaction that we're
19 referring to is on -- and the transcript of that call -- the
11:05:33AM 20 date of that call is what?

21 A. 1/11.

22 Q. January 11th?

23 A. Yes.

24 Q. Do you see the date of January 11th on Government's --
11:05:50AM 25 this page of Government's 693?

1 A. Yes.

2 Q. And does it reflect a quantity of money in that entry on
3 Government's 693?

4 A. Yes.

11:06:02AM 5 Q. Does that refresh your memory as to how much Yelder
6 provided during the meeting with your brother on January 11th?

7 A. Yes.

8 Q. How much did Yelder provide?

9 A. \$4,000.

11:06:20AM 10 Q. All right. Do you know what happened -- what was done
11 with the \$4,000 that Yelder provided during that meeting?

12 A. My brother Javi had it.

13 Q. All right. Is that reflected in any way on this page of
14 the exhibit Government's 693?

11:06:36AM 15 A. Yes.

16 Q. How is that reflected that your brother Javi had the
17 money?

18 A. Because it say *J tiene*.

19 Q. And that's capital J, small T-I-E-N-E; is that right?

11:06:51AM 20 A. Yes.

21 Q. And is there a date next to that notation of *J tiene*?

22 A. Yes.

23 Q. What's the date?

24 A. 1/11.

11:07:06AM 25 Q. All right. Mr. Figueroa, at the end of this call your

1 brother tells Jashua I'll pick you up at your house. Do you
2 see that on page 2?

3 A. Yes.

4 Q. Did you eventually pick up Jashua that night?

11:07:29AM 5 A. We probably did -- we probably did, but I don't remember.

6 Q. Do you remember where you went eventually after this
7 meeting with Yelder? Where did you end up that night?

8 A. After the meeting I think, but I'm not sure, I think we
9 went back to my brother house.

11:07:48AM 10 Q. Your brother's house on Burbank?

11 A. Yes.

12 Q. If we could now publish from Government's 22 the pole
13 camera footage for 6:56 p.m. on January 11th at Burbank. You
14 see a vehicle that just pulled up on to the right side of the
11:08:37AM 15 street in this portion of the video clip?

16 A. Yes.

17 Q. Do you recognize that vehicle?

18 A. Yes.

19 Q. Whose vehicle do you recognize that to be?

11:08:48AM 20 A. That's my brother Mercedes.

21 Q. And that was the vehicle that you met Yelder in?

22 A. Yes.

23 Q. Can you tell us what -- we can pause it here -- did you
24 see an individual get out of the driver's side, the rear
11:09:12AM 25 driver's side of that vehicle?

1 A. Yes.

2 Q. Approximately 1:01 in the clip?

3 A. Yes.

4 Q. Do you recognize that individual?

11:09:19AM 5 A. Yes.

6 Q. Who is that?

7 A. That's me.

8 Q. All right. If we could play? Pause it. Did you see an
9 individual get out of the rear passenger side of that vehicle?

11:09:37AM 10 A. Yes.

11 Q. Did you recognize that person?

12 A. Jashua.

13 Q. And if we could keep playing? Did you see someone --
14 pause it here at 1:22 -- did you see an individual get out of
11:10:00AM 15 the driver's seat of the vehicle?

16 A. Yes.

17 Q. Who was that?

18 A. My brother Javi.

19 Q. Now, it seems that you and Javi are either shaking hands
11:10:13AM 20 or talking with the two other individuals or one other
21 individual in the middle of Burbank; is that right?

22 A. Yes.

23 Q. Do you know who those individuals are?

24 A. No.

11:10:22AM 25 Q. You don't remember who they are?

1 A. No, I don't remember.

2 Q. All right. If we could play. Pause it here at 1:27. Did
3 you also see an individual get out of the front passenger
4 seat?

11:10:38AM 5 A. Yes.

6 Q. And who was that?

7 A. That was Jashua.

8 Q. Out of the front passenger seat?

9 A. The left side or the driver's side?

11:10:50AM 10 Q. The -- well, the driver's side is the left side. So the
11 passenger side is the opposite side of the driver. Did you
12 see an individual get out of the front passenger side?

13 A. Yes.

14 Q. Do you remember who that was? We can play it if that will
11:11:10AM 15 help you.

16 A. Can you back the video up a little bit?

17 Q. Sure, we'll back it up about 10 seconds or so. We have it
18 paused at --

19 A. Can you start from the beginning? Or no?

11:11:26AM 20 Q. The beginning of people getting out of the car?

21 A. Yeah, people getting out of the car.

22 Q. We'll pull it back a little bit, sure. Let's see, about
23 here at 55 seconds if that -- we have it pulled back starting
24 again at 55.

11:11:47AM 25 A. That's me getting out.

1 Q. And you getting out of which door?

2 A. Back of the car, driver side of the car.

3 Q. Driver's side back of the car?

4 A. Yes.

11:12:00AM 5 Q. Okay. You saw a person get out of the back side passenger
6 side, correct?

7 A. Yes.

8 Q. And he just walked over into the middle of the road?

9 A. Yes.

11:12:10AM 10 Q. Who was that?

11 A. That was Obed.

12 Q. All right. That was Obed?

13 A. Yes.

14 Q. That was not Jashua?

11:12:17AM 15 A. No, that was Obed.

16 Q. Okay. And he has something in his hand?

17 A. Yes, got a bag.

18 Q. All right. Then if we can keep playing. You said it was
19 your brother that got out of the driver's door?

11:12:31AM 20 A. Yes.

21 Q. Who was it that got out of the front passenger door?

22 A. That's Jashua.

23 Q. All right. If we can pause it here? Mr. Figueroa, you
24 testified earlier that there were locations on Burbank in

11:13:01AM 25 January of 2018 where the smaller quantities, the \$5 bags of

1 cocaine, were being sold by individuals as part of the
2 operation; is that right?

3 A. Yes.

4 Q. And I believe you testified that those locations would
11:13:16AM 5 change on occasion; is that right?

6 A. Yes.

7 Q. How would -- what would determine if a location was moved?

8 A. If the block is hot and there's a lot of police coming
9 around, my brother decide to move.

11:13:37AM 10 Q. Now, where -- in relation to where what we're looking at
11 in the video were some of the locations in January of 2018
12 were those small \$5 bags of cocaine and heroin being sold?

13 **MR. VACCA:** Objection, Your Honor, asked and
14 answered.

11:13:54AM 15 **THE COURT:** Overruled. Go ahead.

16 **THE WITNESS:** Opposite side of the street where my
17 brother live at, opposite side of the street in the back.

18 **BY MR. MARANGOLA:**

19 Q. Can you draw an arrow to the area that you're referring
11:14:06AM 20 to?

21 A. From the area.

22 Q. You've made a mark on the upper right edge of the screen?

23 A. Yes.

24 Q. Okay. If we could flip now to tab 1-37. If you can clear
11:14:33AM 25 your mark, Mr. Figueroa, after you get to the tab. Are you at

1 that tab, Mr. Figueroa?

2 A. Yes.

3 Q. In January of 2018 who were some of the individuals that
4 were either acting as runners or that were selling on 6
11:15:11AM 5 Burbank?

6 A. Jimbo, that was my brother's neighbor; Obed was selling
7 out of the houses; Junito El Gordo used to be in there with
8 the heroin; and Escorpion used to be his runner.

9 Q. Okay. Now, this transcript we have here behind 1-37, are
11:15:36AM 10 your initials on it?

11 A. Yes.

12 Q. And did you listen to the call that corresponds to this
13 transcript?

14 A. Yes.

11:15:42AM 15 Q. And who were the participants in this call?

16 A. That's my brother Javi and Obed.

17 Q. All right. And the initials BSA are on the bottom; is
18 that right?

19 A. Yes.

11:15:53AM 20 **MR. MARANGOLA:** Okay. At this time I'd offer the
21 call corresponding to tab 1-37.

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled. 1-37 will be received.

24 (**WHEREUPON**, Government's Exhibit 1-37 was received
11:16:06AM 25 into evidence).

1 BY MR. MARANGOLA:

2 Q. Before we play the call, Mr. Figueroa, you see this is an
3 incoming call to Javi's *maraca*, the 8156 number; is that
4 right?

11:16:17AM 5 A. Yes.

6 Q. And the call is from 485-4520; is that right?

7 A. Yes.

8 Q. I'd like to pull up Government's Exhibit 668A, which is
9 the extraction for 662-8164 recovered at 292 Barrington

11:16:47AM 10 Street, and ask you -- I think you testified before that Obed
11 had a couple of nicknames?

12 A. Yes.

13 Q. And those nicknames were what?

14 A. Menor, *nene*.

11:17:04AM 15 Q. *Nene*?

16 A. Yeah.

17 Q. And Menor?

18 A. Yes.

19 Q. If we can go to No. 9 contact, do you see the number on
11:17:16AM 20 this transcript as calling Javi's *maraca*, the 485-4520 on the
21 screen there next to the contact in this phone 662-8164?

22 A. Yes.

23 Q. And what is the name of the contact associated with that
24 number 485-4520?

11:17:38AM 25 A. *Nene*.

1 Q. All right.

2 A. *Trajajo*.

3 Q. Do you know what T-R-A-J-A-J-O means in English?

4 A. No.

11:17:56AM 5 Q. Okay. If we could pull up Government's 11.

6 **MR. MARANGOLA:** Judge, I can't remember, I believe
7 we a few weeks ago sought to redact the heading of this chart
8 based on the numbers of users for 766-8057, as well as the
9 662-8156. The previous chart had been redacted and I believe
10 we had moved to redact this.

11 BY **MR. MARANGOLA:**

12 Q. This is Government's 11 we have on the screen. Do you see
13 that, Mr. Figueroa?

14 A. Yes.

11:18:39AM 15 Q. I'd like you to go down on the left side under the column
16 that's marked number and do you see 485-4520?

17 A. Yes.

18 Q. And the user next to that number is who?

19 A. Obed.

11:18:58AM 20 Q. And it says Obed Torres Garcia, correct?

21 A. Yes.

22 Q. And then the next column reflects that the 485-4520 and
23 Javi's personal phone 766-8057 had zero contacts according to
24 the chart; is that right?

11:19:18AM 25 A. Yes.

1 Q. Now, keep going further across the chart and does it also
2 reflect that the 4520 number had contacts with Javi's *maraca*
3 662-8156?

4 A. Yes.

11:19:36AM 5 Q. And do you see the number 134 as the number of contacts
6 between those two numbers?

7 A. Yes.

8 Q. And the time period for those 134 contacts as indicated on
9 Government's 11 is between January 14th and January 28th; is
11:19:57AM 10 that correct?

11 A. Yes.

12 Q. So that's about two weeks?

13 A. Yes.

14 Q. Okay. All right. Then if we can go back to the call
11:20:06AM 15 corresponding to tab 1-37. Mr. Figueroa, during your
16 participation in this operation did you or others use the
17 phrase get bit?

18 A. Yes.

19 Q. And what did you understand that phrase to mean?

11:20:56AM 20 **MR. VACCA:** Objection, Your Honor, that was asked
21 and answered yesterday.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** Not to get caught by the police, don't
24 get caught.

11:21:04AM 25 **BY MR. MARANGOLA:**

1 Q. All right. Now, Mr. Figueroa, you mentioned a couple of
2 names a minute ago, Junito and Escorpion?

3 A. Yes.

4 Q. Can you tell us how those individuals Junito and

11:21:28AM 5 Escorpion -- and let's spell those for Ms. Macri. Junito is
6 spelled J-U-N-I-T-O?

7 A. Yes.

8 Q. And what's the rest of the nickname that he goes by?

9 Junito what?

11:21:39AM 10 A. E-L, G-O-R-D-O.

11 Q. Junito El Gordo?

12 A. Yes.

13 Q. The other individual that you mentioned related to Junito

14 El Gordo was Escorpion?

11:21:57AM 15 A. Yeah, Escorpion.

16 Q. Is that E-S-C-O-R-P-I-O-N?

17 A. Yes.

18 Q. Now, can tell us who Junito El Gordo and Escorpion are?

19 A. Junito El Gordo is the -- one of my brother's associate,

11:22:18AM 20 that my brother let him stay with them with the heroin, he was
21 in charge of the heroin on Burbank because my brother wasn't
22 doing -- at the end of 2018 he wasn't doing heroin packaging,
23 so Junito El Gordo was in charge of that.

24 And Escorpion was his runner. So Junito El Gordo

11:22:38AM 25 was in charge of packing it up --

1 Q. Escorpion was what?

2 A. Escorpion was Junito El Gordo runner. Junito was in
3 charge of the heroin, so he was in charge of packaging it up
4 himself.

11:22:50AM 5 And my brother was cutting up the heroin for him,
6 like mixing up the cut because he was doing more coke than
7 heroin.

8 Q. And this is -- I think you said the end of 2018. Do you
9 mean -- you were arrested at the end of January of 2018,
11:23:05AM 10 correct?

11 A. Yes.

12 Q. So are you just -- are you talking about the time before
13 your arrest?

14 A. Before my arrest, yes.

11:23:14AM 15 Q. All right. So things had shifted from when you first
16 started working for your brother with respect to the heroin?

17 A. Yes, after the situation on Culver.

18 Q. After the situation on Culver?

19 A. Yes.

11:23:27AM 20 Q. And what situation was that?

21 A. When Axel stole the guns and the heroin from my brother.

22 Q. After that things changed how with respect to the heroin
23 trafficking and your brother?

24 A. Then my brother let Junito be in charge of the heroin. He
11:23:41AM 25 want to leave the heroin alone and we was doing -- we

1 concentrated on the coke.

2 Q. When you say he wanted to leave the heroin alone, did your
3 brother stop being involved in the trafficking of heroin?

4 A. No.

11:23:54AM 5 Q. What was your brother's involvement in the trafficking of
6 heroin after it changed?

7 A. He was cutting the heroin for Junito El Gordo.

8 Q. All right. And what was Junito El Gordo and Escorpion
9 doing in relation to the heroin that your brother was cutting?

11:24:12AM 10 A. They was packaging up, they was packaging up the dope and
11 Escorpion was the runner taking it to Burbank for one of the
12 houses of my brother.

13 Q. So the houses that Escorpion was running the packages of
14 heroin to, those are the same houses that were -- that the

11:24:34AM 15 cocaine was being sold out of for your brother?

16 A. Yes.

17 Q. Okay. So were you familiar with Junito El Gordo and
18 Escorpion based on your participation in this operation?

19 A. Yes.

11:24:47AM 20 Q. And have you seen them and spoken to them and seen them
21 speak in person on numerous occasions?

22 A. Yes.

23 Q. All right. Do you know their real names? What their
24 Government names are, the person you know as Junito El Gordo

11:25:07AM 25 and the person you know as Escorpion?

1 A. No.

2 Q. All right. Just the nicknames?

3 A. Yes, just the nickname.

4 Q. Okay. I'd like you to take a look at the calls -- I'd like

11:25:21AM 5 you to flip to tab 1-38. I'd like you to look through 1-50

6 and look for the participants as well as whether your initials

7 are on each of those transcripts.

8 A. You said 3 --

9 Q. 1-38 through 1-50.

11:26:18AM 10 **THE COURT:** You're talking each of the transcripts
11 between there?

12 **MR. MARANGOLA:** Yes.

13 **BY MR. MARANGOLA:**

14 Q. Have you flipped through each of the transcripts behind

11:27:38AM 15 tabs 1-38 through 1-50?

16 A. Yes.

17 Q. The first question is are your initials on each of those
18 transcripts?

19 A. Yes.

11:27:49AM 20 Q. Did you listen to calls corresponding to each of those
21 transcripts?

22 A. Yes.

23 Q. And did you recognize the voices in the calls as set forth
24 in each of those transcripts?

11:28:03AM 25 A. Yes.

1 Q. And those calls are -- tell us who the speakers are, the
2 different speakers -- the four different speakers that are set
3 forth on the transcripts behind tab 1-38 through 1-50.

4 A. My brother Javi, Obed, Junito El Gordo, Escorpion.

11:28:29AM 5 Q. All right. So each of the calls behind those tabs 1-38
6 through 1-50, are one of those or multiple of those four
7 speakers your brother Javi, Obed, Junito El Gordo or
8 Escorpion?

9 A. Yes.

11:28:49AM 10 Q. Okay. And you're familiar with all those voices you
11 testified to earlier?

12 A. Yes.

13 Q. Did you recognize each of those voices when you heard
14 these calls?

11:28:57AM 15 A. Yes.

16 Q. And were the speakers accurately attributed to the
17 individuals, whether it be your brother, Obed, Junito El Gordo
18 or Escorpion?

19 A. Yes.

11:29:09AM 20 **MR. MARANGOLA:** At this time I'd offer calls 1-38
21 through and including 1-50.

22 **MR. VACCA:** Objection, grounds of relevancy, Your
23 Honor.

24 **THE COURT:** Overruled. Exhibits 1-38, 1-39, 1-40,
11:29:27AM 25 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49 and 1-50

1 will be received.

2 (WHEREUPON, Government's Exhibits 1-38 to 1-50
3 were received into evidence).

4 **BY MR. MARANGOLA:**

11:29:55AM 5 Q. Mr. Figueroa, I believe -- let's play the call
6 corresponding to call tab 1-38. Mr. Figueroa, the phrase
7 turtle, was that used as a code by you and other members of
8 this conspiracy?

9 A. Yes.

11:30:52AM 10 Q. And what was that a code used for?

11 A. For heroin.

12 Q. And Obed said in this call I think I have 100 sold, but
13 the turtle; is that right?

14 A. Yes.

11:31:05AM 15 Q. Based on your participation and familiarity with this
16 operation, including your direct involvement with Javi and
17 Obed, do you have an opinion as to the meaning of Obed saying
18 I have 100 sold, but the turtle?

19 A. Yes.

11:31:19AM 20 Q. What is that?

21 A. He got 100 grams sold of heroin.

22 Q. All right. If we could go to the next call. Before I do
23 that, this call is January -- first call was January 14th; is
24 that correct?

11:31:35AM 25 A. Yes.

1 Q. At 3:03 p.m.?

2 A. Yes.

3 Q. Let's go to the next call 1-39. That's the same date
4 January 14th, approximately an hour and -- hour and 50 minutes
11:31:55AM 5 later or so?

6 A. Yes.

7 Q. Between the same two numbers?

8 A. Yes.

9 Q. All right. This is Javi and Obed as well?

11:32:03AM 10 A. Yes.

11 Q. If we could play this call. Mr. Figueroa, you testified
12 earlier that the letter B could sometimes be used as a code to
13 mean different things by members of this operation; is that
14 right?

11:32:53AM 15 A. Yes.

16 Q. What were some of the things that B could be referred to
17 in terms of a location?

18 A. In terms of location, Burbank, Buffalo.

19 Q. And we're going to come back to that. When Obed said when
11:33:11AM 20 I give them the -- the little sample, do you see that?

21 A. Yes.

22 Q. Were there occasions during your participation in this
23 operation where samples of certain drugs were provided to
24 customers or potential customers?

11:33:24AM 25 A. Yes.

1 Q. What were the drugs that were provided as samples? What
2 type of drug?

3 A. Heroin.

4 Q. And your brother after tells Obed to call me right away to
11:33:38AM 5 see; is that correct?

6 A. Yes.

7 Q. All right. If we could flip to the next call 1-40. That's
8 the same date approximately one hour later at 5:52 p.m.; is
9 that right?

11:33:50AM 10 A. Yes.

11 Q. And that's another incoming call from Obed to Javi's
12 *maraca*; is that correct?

13 A. Yes.

14 Q. If we could play this call. Mr. Figueroa, based on your
11:35:07AM 15 participation and familiarity with this operation, again
16 including your direct involvement with Javi and Obed, do you
17 have an opinion as to the meaning of this call?

18 A. Yes.

19 Q. Can you tell us your opinion as to what Obed was telling
11:35:24AM 20 Javi when he called him during this call?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** He tell my brother that he give
24 him the sample and they only gonna take 13, to call Junito El
11:35:39AM 25 Gordo, but they was gonna take 13 grams, that's why he used

1 the G.

2 **BY MR. MARANGOLA:**

3 Q. All right. 13 G is a reference to 13 grams?

4 A. Yes.

11:35:51AM 5 Q. As far as your understanding; is that correct?

6 A. Yes.

7 Q. Now, during one of the previous calls we heard Obed had
8 said 100; is that right?

9 A. Yes.

11:36:04AM 10 Q. All right. And G was a term that was used to refer to
11 grams, correct?

12 A. Yes.

13 Q. In the call Javi said, man, it's gonna blow like a cherry
14 bomb. Did you hear that in the call?

11:36:18AM 15 A. Yes.

16 Q. Had you ever heard Javi use that phrase before in
17 connection with drug trafficking?

18 A. Yes.

19 Q. Can you explain when Javi had used that before what he had
11:36:29AM 20 used that phrase to refer to?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** He use that expression when the dope
24 is real strong and you gonna put it out there, that it's gonna
11:36:42AM 25 be -- like you gonna have a lot of customers, they're gonna

1 talk about it, it's gonna be good dope.

2 **BY MR. MARANGOLA:**

3 Q. All right. In the call here after Obed said 13, he said
4 call Junito. And Junito was -- Junito El Gordo, is that the
11:37:01AM 5 person you believe Obed was referring to?

6 A. Yes.

7 Q. And he was in charge of what at the time?

8 A. The heroin.

9 Q. All right. Then if we could flip to tab 1-41, this call is
11:37:21AM 10 at approximately three minutes later; is that right?

11 A. Yes.

12 Q. On the same day?

13 A. Yes.

14 Q. Now, the -- this is an outgoing call from Javi's *maraca*,
11:37:37AM 15 correct? The 8156 number?

16 A. Yes.

17 Q. You see that?

18 A. Yes.

19 Q. All right. Who is Javi talking to in this call?

11:37:48AM 20 A. Escorpion.

21 Q. And what was his role with respect to the heroin
22 trafficking at the locations on Burbank in January of 2018?

23 A. He was the runner for Junito El Gordo.

24 Q. Okay. And before we play the call can we go to
11:38:10AM 25 Government's Exhibit 668, which is the phone extraction for

1 662-8164 seized from Burbank. As the runner what would
2 Escorpion's role be?

3 A. He will get the bags of dope from Junito El Gordo, take
4 them to Burbank to the houses, and if he got people selling in
11:38:42AM 5 there from the house the heroin, he just -- and get the money.

6 Q. I'd like to go to the contact for No. 10. Do you see the
7 phone number that Javi calls in the transcript 485-9178?

8 A. Yes.

9 Q. In this contact here?

11:39:16AM 10 A. Yes.

11 Q. What's the name of the contact?

12 A. *Ojo*.

13 Q. And is that a Spanish word?

14 A. Yes.

11:39:22AM 15 Q. What is that?

16 A. Eye.

17 Q. If we can go to contact No. 14 in this same phone. Do you
18 see Javi's *maraca* in this contact?

19 A. Yes.

11:39:47AM 20 Q. And what's the name for the -- associated with the contact
21 for 662-8156?

22 A. *Viejo*.

23 Q. So both of these phone numbers then are in the 662-8164
24 extraction; is that correct?

11:40:04AM 25 A. Yes.

1 Q. All right. If we could then play this call. In this call,
2 Mr. Figueroa, what nickname does Escorpion refer to -- what
3 does he call your brother?

4 A. Viejo.

11:41:16AM 5 Q. If we could go to the next call 1-42. And this is four
6 minutes later at 5:59 p.m.; is that correct?

7 A. Yes.

8 Q. Before we play the call we could see this is another
9 outgoing call from Javi's *maraca* to 520-8465; is that right?

11:41:49AM 10 A. Yes.

11 Q. If we could go to Government's Exhibit 668A again, the
12 extraction for 662-8164 from 292 Barrington, and go to the
13 eighth contact. Do you see the number that Javi dials in this
14 call 520-8465 in the contact in this phone next to the contact
15 number for 8?

11:42:33AM

16 A. Yes.

17 Q. And what's the name in the contact associated with
18 520-8465?

19 A. Gordo.

11:42:45AM 20 Q. All right. And is Junito El Gordo the person that Javi
21 calls in this call?

22 A. Yes.

23 Q. Okay. All right. If we could get the call up here.

24 Mr. Figueroa, when Javi a couple of times in this call said

11:44:57AM 25 grrrrr, listen, grrrrr, can you explain based on your

1 participation in this operation with Javi and Obed and the
2 other individuals you've testified about, do you have an
3 opinion about what he was referring to when he said grrrrr?

4 **MR. VACCA:** Objection, Your Honor.

11:45:15AM 5 **THE COURT:** Overruled.

6 **THE WITNESS:** Yes, he want to say gram, but he don't
7 want to say the word, he like grrrrr.

8 **BY MR. MARANGOLA:**

9 Q. And based on your participation and familiarity with this
11:45:26AM 10 operation, do you have an opinion as to what Javi is telling
11 Junito El Gordo when he calls him in this call?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** Yes.

11:45:39AM 15 **BY MR. MARANGOLA:**

16 Q. Can you explain to us what that opinion is?

17 A. That he told Junito El Gordo that take some -- take 13
18 grams out of the dope that he got over there, not the one that
19 Escorpion got on the block, and send it with Escorpion to him,
11:45:54AM 20 but he want 13 gram.

21 Q. Send it with Escorpion to who?

22 A. To my brother.

23 Q. When you say not the dope that's on the block, what are
24 you referring to?

11:46:06AM 25 A. What Escorpion have. He's the runner.

1 Q. What would Escorpion have that would be different than
2 Junito El Gordo?

3 A. The bags of dope, little baggies.

4 Q. And what would Junito El Gordo have?

11:46:23AM 5 A. Have the heroin, the large quantity of heroin.

6 Q. Okay. It wouldn't be in the baggies yet?

7 A. No, be no -- no baggies, no.

8 Q. Okay. At the end of the conversation Javi says exactly,
9 have him bring it here, all right, what do you understand Javi
10 to be referring to when he says bring it here?

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Overruled.

13 **THE WITNESS:** Bring it to his house, bring it to
14 him.

11:46:48AM 15 **BY MR. MARANGOLA:**

16 Q. His house on Burbank?

17 A. Yes.

18 Q. If we could go to the next call, which is tab 1-43, which
19 is approximately two minutes later on the same day

11:47:07AM 20 approximately 6:01 p.m., this is an outgoing call; is that
21 right, Mr. Figueroa, from Javi's *maraca* to the 485-9178?

22 A. Yes.

23 Q. And that was a contact for O-J-O or eye?

24 A. *Ojo*.

11:47:26AM 25 Q. Okay.

1 A. Yes.

2 Q. Okay. If we could play this call. If we can go to the
3 next tab 1-44, the next call that's three minutes --
4 approximately three minutes later at 6:04. This reflects an
11:49:19AM 5 outgoing call from Javi's *maraca* to 485-4520. You see that,
6 Mr. Figueroa?

7 A. Yes.

8 Q. All right. If we can play this. Mr. Figueroa, in the
9 beginning of this call Javi says they're on their way to my
11:50:21AM 10 house, Obed said is he going to your house, and Javi answered
11 yes.

12 Based on your participation in this operation, can
13 you tell us do you have an opinion about what Javi was
14 referring to when he said they're on their way to my house?

11:50:37AM 15 A. He's talking about Escorpion going to his house.

16 MR. VACCA: Objection, Your Honor.

17 THE COURT: Overruled. The answer will stand.

18 BY MR. MARANGOLA:

19 Q. Going to Javi's house with what?

11:50:45AM 20 A. With 13 grams.

21 Q. In the call Javi tells Obed come over to pick it up here,
22 and then he says but do not -- do not bring anybody here.

23 What do you understand Javi to mean based on your
24 participation in this operation and familiarity with Javi and
11:51:06AM 25 Obed?

1 **MR. VACCA:** Objection, Your Honor.

2 **THE COURT:** Overruled.

3 **THE WITNESS:** He tell him don't bring nobody to his
4 house because it's a drug deal, he don't want nobody else --
11:51:15AM 5 nobody know where he live at. So meet him somewhere else.
6 But him -- he telling Obed he can go to his house, but not
7 nobody else, stranger.

8 **BY MR. MARANGOLA:**

9 Q. If we can go to the next tab 1-45 which is approximately
11:51:37AM 10 14 minutes later at 6:18. This is an incoming call from that
11 485-4520 number to Javi's *maraca*; is that right?

12 A. Yes.

13 Q. All right. If we could play this call. And based on your
14 participation and familiarity with this operation, do you have
11:52:23AM 15 an opinion as to what Obed was calling Javi to tell him in
16 this call?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled. Go ahead.

19 **THE WITNESS:** He telling my brother let him know
11:52:33AM 20 when he gonna be ready so they can go pick the 13 grams from
21 my brother.

22 **BY MR. MARANGOLA:**

23 Q. All right. At the beginning of this call Obed said I left
24 Bombillo alone, and you know I don't want to leave him alone
11:52:46AM 25 because he gets a little crazy.

1 A. Yes.

2 Q. Was there an individual that you knew as Bombillo?

3 A. Yes.

4 Q. I'd like to show you -- first of all, what did Bombillo
11:53:01AM 5 do?

6 A. Bombillo served out of the houses and sometimes he do
7 pills.

8 Q. I'd like to show you Government's Exhibit 517, which is in
9 evidence. Do you recognize the person shown in Government's
11:53:30AM 10 Exhibit 517?

11 A. Yes.

12 Q. And who is that?

13 A. That's Bombillo.

14 Q. All right. Did Bombillo have a son?

11:53:41AM 15 A. Yes.

16 Q. And what names or nicknames did his son go by?

17 A. He go by Bombillo or Bumpi.

18 Q. Bombillo? The son goes by Bombillo as well?

19 A. Yeah, Bombillo or Bumpi.

11:53:52AM 20 Q. Or Bumpi?

21 A. Yes.

22 Q. B-U-M-P-I?

23 A. Yes.

24 Q. Okay. And if we could pull up Government's Exhibit 721.

11:54:16AM 25 If we could enlarge the photo. Mr. Figueroa, do you see the

1 individual in the New York State ID shown in the enlarged
2 portion of Government's Exhibit 721?

3 A. Yes.

4 Q. Do you recognize that individual?

11:54:28AM 5 A. Yes.

6 Q. Who do you recognize that individual to be?

7 A. That's Bombillo's son.

8 Q. The son of the person in the previous --

9 **THE COURT:** Let me stop you a second. Is that 721?

11:54:39AM 10 **MR. MARANGOLA:** Yes.

11 **THE COURT:** I have it as a picture of three cell
12 phones.

13 **MR. MARANGOLA:** It is, Judge, it's a blow up --

14 **THE COURT:** Thank you.

11:54:49AM 15 **BY MR. MARANGOLA:**

16 Q. Mr. Figueroa, the person in this New York State driver's
17 license here enlarged in Government's 721 is Bombillo's son?

18 A. Yes.

19 Q. And so he's the son of the person in Government's 517, the
11:55:09AM 20 photo we just showed you?

21 A. Yes.

22 Q. And this person also goes by Bombillo sometimes?

23 A. Yes, Bombillo or Bumpi.

24 Q. And Bumpi?

11:55:17AM 25 A. Yes.

1 Q. Was he involved in the operation at all?

2 A. Yes.

3 Q. What was his role?

4 A. Sell out of the houses.

11:55:26AM 5 Q. He sold out of the houses?

6 A. Yes.

7 Q. Okay. Both he and his father sold out of the houses?

8 A. Yes.

9 Q. All right. If we can go to the next call 1-46, which is
11:55:46AM 10 approximately two minutes after the previous call we just
11 heard. This is at 6:20 p.m. on January 14th. This is an
12 incoming call to Javi's *maraca*; is that correct?

13 A. Yes.

14 Q. From Escorpion?

11:56:05AM 15 A. Yes.

16 Q. All right. If we could play the call. Again, in this
17 call what does Escorpion address Javi as?

18 A. Viejo.

19 Q. And Javi tells Escorpion that he's where? That Javi is
11:56:44AM 20 where?

21 A. At his house.

22 Q. All right. If we can go to the next tab 1-47, which is
23 approximately 30 seconds later at 6:20:46, and this is an
24 outgoing call from Javi to Obed at 485-4520; is that correct?

11:57:07AM 25 A. Yes.

1 Q. If we can play this call. Do you see in the beginning of
2 this call it says as an aside Javi said Lei is there?

3 A. Yes.

4 Q. Lei is a person -- who is Lei?

11:57:46AM 5 A. Lei was his mistress and she was a runner. She was the
6 one -- she was living with me on Barrington.

7 Q. What's her full name?

8 A. Leitscha.

9 Q. Okay. If we could go to the next call 1-48, which is
11:58:06AM 10 approximately seven minutes later, and this is an incoming
11 call to Javi's *maraca* from Escorpion; is that correct?

12 A. Yes.

13 Q. All right. If we could play this call. Mr. Figueroa,
14 based on your participation and familiarity with this
11:58:42AM 15 operation, do you have an opinion as to what Escorpion was
16 asking when he said who should I give these greens to?

17 A. Yes.

18 **MR. VACCA:** Objection, Your Honor.

19 **THE COURT:** Overruled. Go ahead.

11:58:54AM 20 **BY MR. MARANGOLA:**

21 Q. Tell us what your opinion is.

22 A. Escorpion said the greens because Javi called it the
23 greens, money, we call it letters, so he referring to the
24 money, who he gonna give the money to.

11:59:08AM 25 Q. And your brother's response to that question is what in

1 the call?

2 A. He gonna send *la flaca* to pick it up.

3 Q. Who is referred to as *la flaca*?

4 A. That's Leitscha.

11:59:28AM 5 Q. All right. So Lei and *la flaca* were the same person?

6 A. Yes.

7 Q. And, finally, what does Escorpion refer to Javi as at the
8 end of this call?

9 A. Viejo.

11:59:40AM 10 Q. All right. We can go to the next call 1-49, which is two
11 minutes later, and this is an outgoing call from Javi to
12 Escorpion; is that correct?

13 A. Yes.

14 Q. All right. If we could play this call. Mr. Figueroa,
12:00:50PM 15 based on your participation and familiarity with this
16 operation, do you have an opinion as to what Javi was calling
17 Escorpion and asking him in this call?

18 A. He tell Escorpion --

19 **MR. VACCA:** Objection, Your Honor.

12:01:09PM 20 **THE COURT:** Overruled. Go ahead.

21 **THE WITNESS:** He tell Escorpion why you send me
22 this -- send me the money when I ask for 13 G. I ask for 13
23 G, 13 grams.

24 And Escorpion told him that he just saw Menor -- my
12:01:27PM 25 brother ain't know about that, that Menor didn't make it to

1 his --

2 **BY MR. MARANGOLA:**

3 Q. I'm sorry, I couldn't catch the last part. You said --
4 after the 13 grams, what did you say?

12:01:38PM 5 A. That my brother said that I asked for 13 grams, not 13
6 hit -- 13 hit, that's 13 grams, I asked for 13 grams. I ain't
7 ask for the money. Then Escorpion explain to him saying that
8 he already saw Menor so --

9 Q. Escorpion already what?

12:02:00PM 10 A. Escorpion already saw Menor before Menor made it to my
11 brother house.

12 Q. Escorpion already saw Menor; is that what you said?

13 A. Yes, he saw Obed.

14 Q. Meaning what?

12:02:08PM 15 A. That he gave him -- the 13 grams to Obed, and Obed give
16 him the money, and my brother was expecting 13 grams to go to
17 him, but they picked it up; instead of the 13 gram, it was the
18 money for the 13 grams.

19 Q. So Escorpion is saying he already gave 13 grams of heroin
12:02:25PM 20 to Menor?

21 A. Yes.

22 Q. And that's who?

23 A. That's Obed.

24 Q. And that Obed gave the money from the customer who was
12:02:34PM 25 buying the heroin, gave that money to who? Obed gave that

1 money to who?

2 A. To Escorpion.

3 Q. And Escorpion gave that money to who?

4 A. To my brother Javi.

12:02:44PM 5 Q. When Javi said, okay, let me count it and give me some
6 time, do you have an opinion as to what he's referring to?

7 A. He referring he just --

8 **MR. VACCA:** Objection, Your Honor.

9 **THE COURT:** Overruled. Go ahead.

12:02:56PM 10 **THE WITNESS:** He referring to the money he just got.

11 **BY MR. MARANGOLA:**

12 Q. Okay. And if we could go to the next call, which is tab
13 1-50, approximately a minute and 10 seconds later. This is an
14 incoming call from Obed to Javi's *maraca*; is that correct?

12:03:19PM 15 A. Yes.

16 Q. All right. If we can play -- before we play this call, I
17 believe you testified yesterday regarding the approximate
18 prices of heroin per gram during the time you were
19 participating in this operation. Do you recall that?

12:03:39PM 20 A. Yes.

21 Q. And what were in general those prices?

22 **MR. VACCA:** Objection, Your Honor, asked and
23 answered.

24 **THE COURT:** Overruled. Go ahead.

12:03:46PM 25 **BY MR. MARANGOLA:**

1 Q. You can answer.

2 **THE COURT:** You can answer.

3 **THE WITNESS:** It's from 70 to 80; and when it's
4 strong can be 100 to \$110.

12:03:54PM 5 **BY MR. MARANGOLA:**

6 Q. When you say strong, what do you mean?

7 A. When the dope is real good some places, because we sell \$5
8 bags on Burbank, so when -- in other places it's gonna be 100
9 to 110.

12:04:08PM 10 Q. Okay. If we could play this call 1-50. Mr. Figueroa, in
11 this call Javi asks Obed how much did you give it to him for,
12 and Obed says you told me 70, but I gave it at 75.

13 Based on your participation and familiarity with
14 this operation, do you have an opinion as to what Javi was
12:07:33PM 15 asking and what Obed was telling Javi?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. Go ahead.

18 **THE WITNESS:** You asking in general or --

19 **BY MR. MARANGOLA:**

12:07:44PM 20 Q. No, just the beginning, the part that I just read to
21 you. How much he gave him the gram for because he counted
22 the money. When you say how much he gave him the grams for,
23 what do you mean how much?

24 How much who gave the grams for?

12:07:59PM 25 A. How much Obed gave the person he sold the gram for.

1 Q. How much Obed charged?

2 A. Yeah, what he charge for the grams.

3 Q. Obed's answer is you told me 70, but I gave it at 75. Can
4 you -- what do you understand that to be a reference to?

12:08:16PM 5 A. That the gram was going to go for 70, but he charge him \$5
6 extra, 75. He let him know how much he giving to him.

7 Q. \$75 per gram?

8 A. Yeah, 70, 75 per gram, yes.

9 Q. Okay. For each of the 13 grams?

12:08:33PM 10 A. Yes.

11 Q. Later in the call Javi says no, no, that's not the price,
12 you know I told you 8 bucks.

13 What did you understand -- based on your
14 participation and familiarity with this operation -- that Javi
12:08:52PM 15 was referring to when he said that's not the price, you know I
16 told you 8 bucks?

17 A. That he told Obed for how much to sell the gram for, \$80 a
18 gram.

19 Q. All right. Later in the call Javi says no, no, no, the
12:09:08PM 20 thing is that you know 1 G makes 2 Bs.

21 Based on your participation and familiarity, do you
22 have an opinion as to what Javi meant when he said 1 G equals
23 2 Bs -- I'm sorry, 1 G makes 2 Bs?

24 **MR. VACCA:** Objection, Your Honor.

12:09:25PM 25 **THE COURT:** Overruled. Go ahead.

1 **THE WITNESS:** One gram of heroin make two bundles.

2 **BY MR. MARANGOLA:**

3 Q. And two bundles is how many \$5 bags?

4 A. Two bundles, \$20 -- 20 bags.

12:09:40PM 5 Q. Okay. Now, later in the call Javi says and the Gs there,
6 they are giving it over there at 100 when those are like this
7 hard will go for 100, 110.

8 Can you tell the jury do you have an opinion based
9 on your participation and familiarity with this operation what
12:09:59PM 10 Javi was referring to when he made those statements to Obed?

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Overruled.

13 **THE WITNESS:** When he made the statement he saying
14 that in Buffalo the gram, the dope -- when it's that strong,
12:10:11PM 15 it go for 100 and \$110 a gram. Not like over here, over here
16 is 70 to 80.

17 **BY MR. MARANGOLA:**

18 Q. When he said will go for 100, 110, he's indicating that
19 100 or 110 would be the price of a gram?

12:10:27PM 20 A. Yes.

21 Q. That's the end of that series of calls.

22 **THE COURT:** I think this is a good time for a break.
23 Ladies and gentlemen, we'll take a recess. In the meantime,
24 do not discuss the matter or allow anybody to discuss the
12:10:45PM 25 matter with you. Jury may step down, we'll stand in recess.

1 (WHEREUPON, there was a pause in the proceeding).

2 (WHEREUPON, the defendant is present).

3 THE COURT: Mr. Marangola, I assume you're not going
4 to use all 90 calls that Mr. Figueroa reviewed? There's 90
12:50:42PM 5 more.

6 MR. MARANGOLA: 90 more?

7 THE COURT: Yes, I counted.

8 MR. MARANGOLA: Judge, some I will just to
9 authenticate the voice. There's plenty that I won't ask for
12:50:52PM 10 questions on because they're sort of either text messages or
11 no explanation is needed, but he was a person that did
12 authenticate quite a few voices. So at least to identify
13 voices, but I don't anticipate playing every single one of the
14 calls.

12:51:09PM 15 THE COURT: Thank you. We all appreciate that.

16 MR. MARANGOLA: Thank you.

17 THE COURT: You can bring the jury out.

18 MR. MARANGOLA: No one more than Christi.

19 (WHEREUPON, the jury is present).

12:51:48PM 20 THE COURT: You may proceed.

21 MR. MARANGOLA: Thank you.

22 BY MR. MARANGOLA:

23 Q. Mr. Figueroa, you at tab 1-51?

24 A. Yes.

12:53:57PM 25 Q. Okay. And are your initials on this transcript?

1 A. Yes.

2 Q. And you heard the call corresponding to this transcript?

3 A. Yes.

4 Q. All right. Now, earlier this morning we played calls

12:54:10PM 5 between you and Orlando Yelder that ended in the meeting in
6 the Mercedes and that was on January 11th; is that right?

7 A. Yes.

8 Q. Okay. And this call is between you and Orlando Yelder?

9 A. Yes.

12:54:25PM 10 **MR. MARANGOLA:** Judge, I believe this call 1-51
11 through I think it's 1-55 have been previously received.

12 **THE COURT:** Yes, 1-51, 52, 53, 54 and 55 were
13 received.

14 **BY MR. MARANGOLA:**

12:54:42PM 15 Q. If we could play 1-51. Mr. Figueroa, you testified that
16 you had served Orlando Yelder quantities of cocaine. At some
17 point did you give Orlando Yelder any other drugs?

18 A. Yes.

19 Q. What drugs did you give him?

12:57:58PM 20 A. I give him 10 grams of heroin.

21 Q. In this call that we just heard when you -- when Yelder
22 asked for the one I always get, you responded we just got this
23 shit for the store, what were you referring to when you said
24 we just got this shit for the store?

12:58:20PM 25 A. The 62 that we have is the -- for the block, it's -- it's

1 for the block to bag it up.

2 Q. It's to bag up?

3 A. It's to bag up.

4 Q. So that would be different than selling a whole 62 to
12:58:33PM 5 Yelder?

6 A. Yes.

7 Q. And when Yelder said just tell him to grab me at least one
8 or two Jordans, what did you understand him to be referring
9 to?

10 **MR. VACCA:** Objection.

11 **THE COURT:** Overruled. Go ahead.

12 **THE WITNESS:** To 62s.

13 **BY MR. MARANGOLA:**

14 Q. All right. When Yelder said on the top of the second page
12:58:56PM 15 of the transcript I need to grab the other thing, the other
16 thing, maybe like 5, 5 or 6, what did you understand him to
17 mean?

18 **MR. VACCA:** Objection, Your Honor.

19 **THE COURT:** Overruled. Go ahead.

12:59:09PM 20 **THE WITNESS:** To the heroin.

21 **BY MR. MARANGOLA:**

22 Q. All right. Your response to Yelder is what when he asks
23 for -- if you have 5 or 6 of the heroin?

24 A. That I don't think that he got more, I'll talk to my
12:59:31PM 25 brother.

1 Q. Okay. By the way, the 5 or 6, what's that a reference to?

2 A. 5 or 6 grams.

3 Q. All right. If we could go to the next call 1-52. Are
4 your initials on this transcript as well?

12:59:55PM 5 A. Yes.

6 Q. And did you listen to the call that corresponds to this
7 transcript?

8 A. Yes.

9 Q. And who is in this call?

01:00:01PM 10 A. Me and Yelder.

11 Q. If we could play this call. We paused the call at 20
12 seconds in. Mr. Figueroa, when you told Orlando Yelder we
13 don't got no dog food, you hear me, what were you telling him?

14 A. There ain't no heroin.

01:00:50PM 15 Q. All right. And then when Yelder asked you is he -- you
16 said that shit is -- did you indicate -- what were you
17 meaning?

18 A. Gone.

19 Q. It's gone?

01:01:00PM 20 A. Yeah.

21 Q. And that phrase that -- well, let's keep playing the call.
22 We paused it at 54 seconds. Mr. Figueroa, when you asked
23 Orlando Yelder how about his shit, you got his shit, bro, what
24 were you asking him?

01:01:47PM 25 A. About his money, if he got my brother's money.

1 Q. The money that Yelder owed for what?

2 A. For the transaction from before.

3 Q. All right. All right, if we could keep going in the call.

4 All right. We're going to -- it's at 2:01, we're going to fast

01:03:20PM 5 forward to shortly before the end of this call. Let's try

6 that, approximately 2:58.

7 Mr. Figueroa, in that call we just heard at the end

8 there when Yelder said tell him I got this, this, that I owe

9 him, tell him to bring me 5 of that other shit, what did you

01:03:54PM 10 understand the other to be referring to?

11 A. That he got -- he got some money for the 5, that he got

12 for the heroin, and he want some coke.

13 Q. When Yelder said this that I owe him, what did you

14 understand Yelder to mean?

01:04:13PM 15 A. That's the money that he owe.

16 Q. For the previous coke?

17 A. Yes.

18 Q. And then when he said tell him to bring me 5 of that, the

19 other stuff, the other shit, that was what?

01:04:24PM 20 A. Heroin.

21 Q. All right. If we can go to the next call, this is still

22 January 15th, and play that call if we could. Mr. Figueroa,

23 if we can skip ahead to tab 1-55. Your initials on that

24 transcript?

01:06:03PM 25 A. Yes.

1 Q. And did you listen to the call that corresponds to this
2 transcript?

3 A. Yes.

4 Q. And this is between who?

01:06:09PM 5 A. Me and Yelder.

6 Q. All right. I believe this was previously received. If we
7 could play the call corresponding to 1-55. We paused it at 39
8 seconds into this call. This is the same day January 15th at
9 10:38 p.m., correct?

01:07:08PM 10 A. Yes.

11 Q. And meet me at sis house you understood to be a reference
12 to what?

13 A. Where Leitscha sister live at.

14 Q. All right. And is that the apartments that you were
01:07:18PM 15 previously showed the still photo of?

16 A. Yes.

17 Q. When you tell him I got 5, you hear, what are you telling
18 Yelder?

19 A. I'm thinking -- I'm not sure if it's the coke or the
01:07:35PM 20 heroin.

21 Q. You're not sure?

22 A. I'm not sure.

23 Q. Okay. If you can look at the next two tabs together,
24 Mr. Figueroa, the calls -- the tabs are 1-56 and 1-57. Are
01:07:53PM 25 your initials on both of those transcripts?

1 A. Yes.

2 Q. And did you listen to the calls that correspond to both of
3 those transcripts?

4 A. Yes.

01:08:02PM 5 Q. And who are the participants in both of those calls?

6 A. Me and Leitscha.

7 Q. All right.

8 **MR. MARANGOLA:** At this time, Your Honor, I'd offer
9 Government's 1-56 and 1-57.

01:08:20PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. 1-56 and 1-57 will be
12 received.

13 (**WHEREUPON**, Government's Exhibit 1-56 and 1-57 were
14 received into evidence).

01:08:34PM 15 **BY MR. MARANGOLA:**

16 Q. This call 1-55 is an incoming call to 685-4661; is that
17 correct?

18 A. Yes.

19 Q. And that's from your personal phone; is that right?

01:08:50PM 20 A. Yes.

21 **THE COURT:** Hang on a second. Referred to it as 55.
22 It's 56; is that right?

23 **MR. MARANGOLA:** I'm sorry.

24 **BY MR. MARANGOLA:**

01:08:57PM 25 Q. I'm referring to 1-56, yes. Do you have 1-56 in front of

1 you, Mr. Figueroa?

2 A. Yes.

3 Q. Okay. The call behind tab 1-56, that's an incoming call to
4 685-4661 from your personal cell phone, the number ending in
01:09:22PM 5 0005; is that right?

6 A. Yes.

7 Q. All right. And if we can show Government's 10 before we
8 play this call. Mr. Figueroa, I'd like you to look at the
9 first number in purple on the top. You see 685-4661 with an
01:09:57PM 10 asterisk next to it?

11 A. Yes.

12 Q. And that's the same number that you dialed at this call
13 here behind tab 1-56; is that right?

14 A. Yes.

01:10:09PM 15 Q. And that was the personal phone number of who?

16 A. The personal phone number of Leitscha.

17 Q. All right. And we're next going to show you Government's
18 Exhibit 12, which is the chart of the wiretapped cell phones,
19 and this reflects that the wiretap for the 685-4661 line used
01:10:48PM 20 by Leitscha Poncedeleon started on January 11th; is that
21 right?

22 A. Yes.

23 Q. All right. And this is January 15th the call here that
24 we're listening to, right?

01:10:57PM 25 A. Yes.

1 Q. That we're going to play right now if we could.

2 Mr. Figueroa, why were you telling Lei that you had to go see
3 the crazy dude, the black guy?

4 A. Yelder. I can't drive.

01:11:55PM 5 Q. You what?

6 A. Because I can't drive. I don't have a license.

7 Q. Okay. And the black guy that you're referring to is who?

8 A. Is Yelder.

9 Q. All right. And play the next call 1-57, which is on
01:12:15PM 10 January 15th at 10:43 p.m., and this is an outgoing call from
11 Leitscha's personal phone to your personal phone; is that
12 right?

13 A. Yes.

14 Q. Now, if we could play from the pole camera compilation,
01:12:59PM 15 Government's Exhibit 22, from this day January 15th at 10:45
16 p.m. and we'll start this clip at -- we'll fast forward to
17 1:31 in the clip. Do you see anyone in the clip at this
18 point?

19 A. Yes.

01:13:32PM 20 Q. Who do you see?

21 A. That's me.

22 Q. And where are you coming from?

23 A. 292 Barrington.

24 Q. And whose car are you getting into?

01:13:50PM 25 A. Leitscha's car.

1 Q. And this is at 10:47 p.m.?

2 A. Yes.

3 Q. All right. Who are you going to see?

4 A. Yelder.

01:14:04PM 5 Q. All right. If we can go to the next call 1-58 -- I'm
6 sorry, if we could play the rest of the video here. You and
7 Leitscha just left 292 in that clip?

8 A. Yes.

9 Q. Okay.

01:14:35PM 10 **MR. MARANGOLA:** Your Honor, I believe 1-58 has been
11 received.

12 **THE COURT:** Yes.

13 **BY MR. MARANGOLA:**

14 Q. All right. Are you at tab 1-58 in the book, Mr. Figueroa?

01:14:45PM 15 A. Yes.

16 Q. All right. And that's an outgoing call from your *maraca* to
17 Orlando Yelder; is that right?

18 A. Yes.

19 Q. And this is at 11:10 p.m. that same night January 15th?

01:14:59PM 20 A. Yes.

21 Q. All right. We can play this call. Let's go to the next
22 call 1-59. Are your initials also on that transcript?

23 A. Yes.

24 Q. And this is at 11:26 p.m. that same day January 15th?

01:15:47PM 25 A. Yes.

1 Q. And this is a call between you and Yelder again?

2 A. Yes.

3 Q. All right. If we can play this call. Mr. Figueroa, when
4 you told Orlando Yelder you got to go to work tomorrow, where
01:16:25PM 5 were you working at this time in January of 2018?

6 A. I was working at LiDestri.

7 Q. Do you remember what your hours were or did they vary?

8 A. I used to go early.

9 Q. I'm sorry?

01:16:39PM 10 A. I used to go early.

11 Q. You used to go early?

12 A. Yes.

13 Q. Early in the morning?

14 A. Early in the morning.

01:16:45PM 15 Q. Okay. Did you meet Orlando Yelder after these calls that
16 we just heard on January 15th?

17 A. Yes.

18 Q. All right. If we could -- where did you meet him?

19 A. Leitscha's -- apartment building where Leitscha's sister
01:17:00PM 20 live at.

21 Q. At Leitscha's apartment building where her sister lives
22 at?

23 A. Yes.

24 Q. If we could show you Government's Exhibit 24. Is this the
01:17:26PM 25 area where you met Orlando Yelder on January 15th, 2018?

1 A. Yes.

2 Q. After these calls?

3 A. Yes.

4 Q. And this Government's Exhibit 24 reflects the dates of the
01:17:39PM 5 pole camera as indicated by Investigator Briganti starting on
6 January 19th, 2018.

7 What happened when you met Yelder that night after
8 these calls on January 15th? What happened when you met him?

9 A. I serve him the coke and I receive some money from him.

01:17:58PM 10 Q. Do you remember how much money you received from him?

11 A. No.

12 Q. If I can publish from Government's Exhibit 693.

13 Mr. Figueroa, take a look at what's on your screen there, a

14 page from Government's 693, the ledger from 292 Barrington

01:18:31PM 15 Street. Do you see the date above my finger January 15th and
16 a checkmark?

17 A. Yes.

18 Q. Is there a quantity underneath that date?

19 A. Yes.

01:18:41PM 20 Q. And does that refresh your recollection as to how much
21 money Yelder gave you when you met him at those apartments on
22 the night of January 15th, 2018?

23 A. Yes.

24 Q. And how much did you get from him?

01:18:55PM 25 A. 12,000.

1 Q. Now, that -- I think you indicated -- if I can put this
2 up -- was payment for drugs that you had previously given him?

3 A. Yes.

4 Q. All right. And that was at the time when he was in Javi's
01:19:20PM 5 car with you and Obed?

6 A. Yes.

7 Q. And what date was that do you remember?

8 A. Like --

9 Q. If you need to look --

01:19:30PM 10 A. I don't remember the date.

11 Q. You don't remember the date?

12 A. No.

13 Q. Take a look at Government's 693 and see if that
14 refreshes -- not the binder there, on your screen,

01:19:40PM 15 Government's 693, and see if that refreshes the date that you
16 met -- that you had given the drugs to Yelder for which he
17 paid some on January 15th.

18 A. January 11th.

19 Q. All right. Now, Mr. Figueroa, during the time that you
01:20:10PM 20 participated in this operation did Javi supervise the workers
21 who were involved in selling out of the drug houses?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled.

24 **THE WITNESS:** Yes.

01:20:24PM 25 **BY MR. MARANGOLA:**

1 Q. All right. I'd like you to take a look at tab 1-60. Tell
2 us are your initials on that?

3 A. Yes.

4 Q. Did you listen to the call that corresponds to that
01:20:50PM 5 transcript?

6 A. Yes.

7 Q. And did you recognize the voices in that transcript?

8 A. Yes.

9 Q. And who are the participants in this call?

01:21:00PM 10 A. My brother Javi, Obed and Pitufufo.

11 Q. And who is Pitufufo?

12 A. Pitufufo was one of the workers.

13 Q. One of the workers where?

14 A. On Burbank for my brother, but I don't know him.

01:21:17PM 15 Q. You don't know his real name?

16 A. I don't know his real name, no.

17 Q. Okay. Are you familiar with his voice?

18 A. No.

19 Q. You're not?

01:21:26PM 20 A. No.

21 Q. All right. So you just know that the person in this call
22 was referred to as Pitufufo?

23 A. Yes.

24 Q. Okay. And it indicates in the call that Javi says at one
01:21:38PM 25 point put Pitufufo on, and then an individual began to speak; is

1 that right?

2 A. Yes.

3 Q. All right. Initially who were the participants in the
4 call?

01:21:47PM 5 **MR. VACCA:** Objection, Your Honor.

6 **THE COURT:** Overruled.

7 **THE WITNESS:** Obed and my brother.

8 **BY MR. MARANGOLA:**

9 Q. All right. And this is an outgoing call from your brother
01:21:55PM 10 Javi's *maraca* to Obed's number ending in 4520; is that right?

11 A. Yes.

12 Q. All right.

13 **MR. MARANGOLA:** At this time I'd offer the call
14 corresponding to 1-60.

01:22:06PM 15 **MR. VACCA:** I'd object, Your Honor, he indicated
16 that he didn't know Pitufu's voice. To admit this one would
17 be admitting something in evidence where he can't identify the
18 voice.

19 **THE COURT:** I'll sustain the objection of everything
01:22:22PM 20 involving conversation with Pitufu.

21 **MR. MARANGOLA:** Judge, with respect to Pitufu, I'm
22 offering it simply for the fact that the person was identified
23 in the call as Pitufu, not that he is personally familiar with
24 the voice as recognizing it, but simply that these people
01:22:41PM 25 spoke after Javi said put Pitufu on.

1 **THE COURT:** Great, okay. Objection is still
2 sustained.

3 **MR. MARANGOLA:** All right. Sustained after
4 everything --

01:23:07PM 5 **THE COURT:** Everything starting with the P forward.
6 Everything prior to that is fine.

7 **MR. MARANGOLA:** All right, if we could play then up
8 to that portion of the call 1-60. That's only the first 23
9 seconds. Based on the Court's ruling, we won't play anymore.

01:24:00PM 10 **BY MR. MARANGOLA:**

11 Q. If we can look at -- move to the next transcript then
12 1-61. I'm sorry, we'll skip 1-61 and we'll go to 1-70. Can
13 you go to 1-70, Mr. Figueroa?

14 A. Yes.

01:24:51PM 15 Q. Are you there?

16 A. Yes.

17 Q. Are your initials on the transcript behind tab 1-70?

18 A. Yes.

19 Q. And did you listen to the call that corresponds to the
01:25:01PM 20 transcript at 1-70?

21 A. Yes.

22 Q. Did you recognize the voices in the call behind tab 1-70?

23 A. Yes.

24 Q. Who are the participants in this conversation?

01:25:13PM 25 A. My brother Javi and Obed.

1 Q. This was intercepted off the wiretap as reflected from
2 your brother Javi's *maraca* ending in 8156; is that right?

3 A. Yes.

4 Q. Okay.

01:25:28PM 5 **MR. MARANGOLA:** At this time I'd offer the call
6 corresponding to tab 1-70.

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** Overruled. 1-70 will be received.

9 (WHEREUPON, Government's Exhibit 1-70 was received
01:25:46PM 10 into evidence).

11 **BY MR. MARANGOLA:**

12 Q. If we can play this call. Before we play this call,
13 Mr. Figueroa, you said how many bags of cocaine would be in a
14 package like the small bags of cocaine that would be in a
01:26:04PM 15 package that would be sold out of the houses on the block?

16 A. 50 \$5 bags.

17 Q. 50 \$5 bags?

18 A. Yes.

19 Q. All right. All right, if we could play the call.
01:28:33PM 20 Mr. Figueroa, based on your participation and familiarity with
21 this operation, do you have an opinion as to what Obed was
22 referring to when he said snow white in this call?

23 A. Coke.

24 Q. Cocaine?

01:28:51PM 25 A. Yes.

1 Q. When Obed told Javi they're coming with extra and
2 everything, based on your participation and familiarity with
3 this call, do you have an opinion as to what Obed was
4 referring to?

01:29:07PM 5 A. Yes, that a package of cocaine was coming with 50 bags
6 inside.

7 Q. When Obed said, yeah, but one came at 54 and one at 51, do
8 you have an opinion as to what he's referring to was 54 and
9 51?

01:29:23PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled.

12 **THE WITNESS:** He referring to the package of coke
13 suppose to be 50, but extras coming in, 51, 54.

14 **BY MR. MARANGOLA:**

01:29:34PM 15 Q. When Javi said yeah, I did it to see if things are really
16 being done like they're supposed to be done, bro, my bad that
17 it happened to you, the thing is last time I got complaints
18 that were discussed between them and that one guy, what did
19 you understand Javi to be explaining to Obed based on your
01:29:52PM 20 participation and familiarity with this operation?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** He want to make sure everything was
24 run right, everybody was doing what they suppose to do because
01:30:02PM 25 he was getting complaint from before about the packaging was

1 missing bag and stuff like that, so now he put extra to see if
2 they're gonna be honest.

3 **BY MR. MARANGOLA:**

4 Q. And when Javi said to see if they will go there and tell
01:30:17PM 5 me, look, there's extra there, because I know there's extra
6 there, what did you understand Javi to be referring to?

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** Overruled.

9 **THE WITNESS:** About the workers being honest with
01:30:28PM 10 him because they was complaint from before, so he want to know
11 because that's his stuff, they work for him.

12 **BY MR. MARANGOLA:**

13 Q. When Javi said there's one I put 60 in, but I was -- to
14 see -- to see if they would call to tell me, look, there's
01:30:42PM 15 extra, because I was going to tell every last one of them when
16 they finish you're fired, can you tell us what you understood
17 Javi to mean based on your participation and familiarity with
18 this operation?

19 A. That he put -- in one of the packages he put 60 \$5 bags in
01:30:58PM 20 it to see if somebody was gonna say something, be honest, and
21 if there was nobody that wouldn't say nothing, he was gonna
22 fire all these workers.

23 Q. When you say fire all these workers, what do you mean?

24 A. All the workers be working in the house selling drugs for
01:31:10PM 25 him.

1 Q. Okay. All right.

2 MR. MARANGOLA: Judge, before I go to our next call
3 it's 1:31 --

4 THE COURT: It's probably time to break.

01:31:21PM 5 MR. MARANGOLA: Okay.

6 THE COURT: Ladies and gentlemen, at this time we're
7 going to recess until 8:30 tomorrow morning. In the meantime,
8 I'd ask you not discuss the matter or allow anybody to discuss
9 the matter with you. You may step down. Have a great
01:31:30PM 10 evening.

11 (WHEREUPON, proceedings adjourned at 1:31 p.m.)

12 * * *

13 CERTIFICATE OF REPORTER

14
15 In accordance with 28, U.S.C., 753(b), I certify that
16 these original notes are a true and correct record of
17 proceedings in the United States District Court for the
18 Western District of New York before the Honorable Frank P.
19 Geraci, Jr. on June 3rd, 2021.

20
21 S/ Christi A. Macri

22 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
23 Official Court Reporter
24
25